[Mr. V. Subba Aiyar.]

MR. K. GEORGE: I second the motion.

The Bill was passed.

At this stage, the Deputy President took the chair.

THE TRAVANCORE EZHAVA BILL.

MR. V. SUBBA AIYAR: Sir, I beg to propose that the Ezhava Bill be taken up for consideration by the House now.

In so doing, I may make a few observations as to the history of this Bill itself.

MR. T. K. VELU PILLAI: I wish to place before the Council certain petitions which I have received from the voters and others in the taluk of Trivandrum.

MR. K. P. RAMAN PILLAI: I also wish to present a few petitions sent by the Ezhava voters of the Quilon taluk asking me to present them to this Council. In doing so, I may say—

DEPUTY PRESIDENT: I think you had better reserve what you have to say. Let Mr. Subba Aiyar finish his speech.

MR. V. SUBBA AIYAR: In making the motion that the Bill be taken up for consideration, I have to make a few observations with regard to the history of the Bill. Owing to the incessant and forcible agitation of the community at successive sessions of the Assembly that there should be a bill to regulate marriage, intestate succession, partition and other matters connected with the Ezhava *tarwad*; the Government appointed a committee to inquire and make the necessary recommendations in the form of a bill. That was in 1916. When that committee was about to begin its labours, agitation was started again urging that it would not be enough if the committee expressed its views without taking evidence and without ascertaining the sense of the Ezhava community in Travancore. Government thought that there was considerable force in that argument, and, therefore, they appointed a committee consisting of a president and the following six members, *viz.*, Mr. M. Govindan B. A., B. L., Mr. N. Kumaran B. A., B. L., Mr. N. Kumaran Asan, Mr. C. Kunjuraman, Mr. K. M. Krishnan, and V. K. Kochunni Vaidyan, all belonging to the Ezhava community and following the *marumakkathayam* and the *misravazhi* system of inheritance, that is to say, the sections of the community intended to be regulated by the present bill. That committee submitted its report, which was an unanimous one, in 1919. In other words, all the members forming the community agreed to the bill which was presented to the Council in 1919. It is now four years since then. The late Council referred the bill to a Select Committee and the report of the Select Committee was submitted to the late Council at its meeting for the last time. But inasmuch as the bill could not be passed at that meeting and as the final reading had to come up before this Council, it was thought desirable in the interests of the community itself to defer the consideration of the bill, so that it might be taken up by this enlarged Legislative Council consisting of a majority of elected non-official members.

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The bill has been pending for a long time. The first committee was appointed in 1916 and we are now in 1923. I believe I will not be accused of rushing the bill through the Council with all possible haste. I request that the Council be pleased to take up the bill for consideration now.

MR. M. GOVINDAN: I second the motion of Mr. Subba Aiyar.

MR. K. P. RAMAN PILLAI: In presenting the above petitions, I have to make a few observations, as provided for by Standing Order No. 62. These petitions are from the Ezhava voters of the Quilon taluk. These petitions have been signed by 331 voters out of 500. The material allegations contained in these petitions are that the Ezhavas do not want *makkathayam* and individual partition as recommended by the Ezhava Committee and as embodied in the bill now before the Council. What they require is *thavazhee* partition, and a division, not *per capita* but *per stirpes*. They further pray that the present mixed system of inheritance ought not to be interfered with by the Council, or, at any rate, those Ezhavas who follow the mixed system ought to be exempted from the operation of the present bill. They also make a very serious allegation against the Ezhava Committee which took evidence. Various petitions signed by numerous individuals were presented before the Committee, who, however, chose not to examine all the signatories of the petitions, but only one or two representatives out of the signatories of each petition; and, in counting the number of witnesses who supported individual partition, the Committee have taken care not to number all the signatories of these petitions. In other words, they have counted only those representative signatories whom they had chosen to examine, while all the signatories had not been examined. The report of the Ezhava Committee recommending the kind of partition embodied in the bill before the Council is, therefore, based upon the majority of witnesses according to their calculation. I think the allegation made in these petitions in that matter is very serious and ought to be considered by this Council.

DEPUTY PRESIDENT: You are not in order there. You are endeavouring to make a statement of your own. You are only to state the prayers contained in the petitions.

MR. K. P. RAMAN PILLAI: These are the prayers.

MR. V. KUNJUKRISHNA PILLAI: I also present certain petitions.

MR. C. P. KOCHUKUNJU PILLAI: I have received five petitions from the Ezhava voters of my constituency. The number of signatures is 230 out of about 400 voters. The main points of difference between these signatories and those witnesses for whom the Bill has been drafted are the same as those mentioned by Mr. Raman Pillai. As he has already mentioned those points, I do not want to take the time of the Council by a repetition of them. I present these petitions to the Council.

MR. G. PARAMESVARAN PILLAI: I also present a few petitions.

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[Mr. P. Parameswaran.]

MR. P. PARAMESVARAN: ഈഴവബില്ലിനെപ്പററി സെലക്ററ് കമ്മിററിയുടെ റിപ്പോർട്ട് കിട്ടിയിരിക്കയാൽ ആ ബില്ലിനെ ഗുണദോഷത്തിനായി സ്വീകരിക്കണം എന്ന ബഹുമാനപ്പെട്ട ലാ മെംബർ അവർകൾ അഭിപ്രായപ്പെട്ടിരിക്കുന്നു. ഇതിനെ അനുവദിച്ച മേൽനടപടി നടത്തുംമുമ്പെ ഈ അഭിപ്രായത്തിനെതിരായി എനിക്കു സ്വല്പം ബോധിപ്പിക്കാനുണ്ട്.

ഈഴവർ ഈ സംസ്ഥാനത്തിലെ പ്രജാവിഭാഗത്തിൽ ഒരു പ്രധാനപ്പെട്ട സമുദായം ആകുന്നു. കഴിഞ്ഞ സെൻസസ്സിൻപടി ആറുലക്ഷത്തിഅറുപത്തെണ്ണായിരം ഈഴവർ ഈ സംസ്ഥാനത്തിലുണ്ട്. ഈ മഹാസമുദായത്തിന്റെ നിലയെ ഗുണകരമായൊ ദോഷകരമായൊ മാററുന്നതായ ഒരു നിയമം നടപ്പാക്കുന്നതിൽ ഗവർണ്മെൻറു വളരെ സാവധാനമായും ഗാഢാലോചനയോടുകൂടിയും മാത്രമെ പ്രവർത്തിക്കയുള്ളൂ എന്ന്. എനിക്ക് അറിയാം. പൊന്നുതമ്പുരാന്റെ ഗവർണ്മെൻറാകട്ടെ, യാതൊരുവിധമായ സാമുദായികനിയമത്തിലും ദ്രുതഗതി കാണിച്ചിട്ടില്ലെന്ന് അനുഭവസിദ്ധമാണ്. സാമുദായികനിയമങ്ങളിൽ സംബന്ധിക്കപ്പെട്ട ജനങ്ങളുടെ മനോഭാവത്തെ ഗവർണ്മെൻറും നിയമസഭയും എപ്പോഴും അധികമായി ആദരിക്കയും ബഹുമാനിക്കയും ചെയ്യാറുണ്ട്. ഫാമൈൻ-കമ്മീഷൻ എന്നുള്ള അതു അത്യുകാലത്തു തന്നെ നാഞ്ചിനാട്ടു വെള്ളാളരുടെ ദായക്രമത്തേയും മറും പററി ഒരു ബിൽ നിയമസഭയിൽ ഹാജരാക്കപ്പെട്ടിരുന്നു അറുപതുകൊല്ലം കഴിഞ്ഞതിൽ പിന്നീട് ഒരു കമ്മിഷണെ നിയമിച്ച് ഇവയെപ്പററി അന്വേഷണം നടത്തി. അതും ജനങ്ങൾക്കു തൃപ്തിയാകാത്തതിനാൽ രണ്ടുകൊല്ലത്തിനു മുമ്പിൽ വീണ്ടും ഒരു കമ്മിഷൻ വിചാരണ നടത്തി. ഇതേവരെ ആ ബിൽ പക്വമായിട്ടില്ല. ഈ വിധം താമസം നേർന്നതു സംബന്ധപ്പെട്ട ജനങ്ങളുടെ അഭിലാഷങ്ങളേയും മനോഭാവങ്ങളേയും ഗവർണ്മെൻറ് അധികമായി ആദരിക്കുന്നതു നിമിത്തം തന്നെ.

ജന്മികുടിയാന്മാർ തമ്മിൽ ഉള്ള ബന്ധത്തെ വിവേചിക്കാനായി ഒരു ബിൽ ഇനിയും പുറത്താകാതെ കിടക്കുന്നതിനുള്ള കാരണവും മേൽ പറഞ്ഞതു തന്നേയാണു.

ആറുലക്ഷത്തി അറുപത്തെണ്ണായിരം ജനങ്ങളെ ബാധിക്കുന്നതായ ഈഴവബില്ലിന്റെ പ്യാലോചനയെ സ്വല്പകാലത്തേക്കു മാറിവയ്ക്കണ

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മെന്ന മിശ്രഭായക്കാരായ ഈഴവക്കുവേണ്ടി അവരുടെ പ്രതിനിധിയായ ഞാൻ അപേക്ഷിക്കാൻ തുനിയുന്നതായാൽ ആ അപേക്ഷ ഗവർണ്മെന്റിനു സഹകാരയോഗ്യമായിരിക്കും എന്നു വിശ്വസിക്കുന്നു.

മിശ്രഭായക്കാർ ഈഴവരിൽ പ്രധാനപ്പെട്ട ഒരു കക്ഷിയാകുന്നു. തിരുവനന്തപുരം ഡിവിഷണിലും കൊല്ലം, കൊട്ടാരക്കര, പത്തനാപുരം എന്നീ താലൂക്കുകളിലും വസിക്കുന്ന ഈഴവരിൽ ൧൦൦-നു വ്യ൦-ൽ കുറയാതെ എണ്ണം പേർ ഇപ്പോഴത്തെ ഈഴവബില്ലിലെ പ്രധാനഭാഗങ്ങളെ പറ്റി പരാതിപ്പെട്ട ഹർജി അയച്ചിരിക്കുന്നു. ആ ഹർജികളെ ഇതാ ഞാൻ ഈ സഭയിൽ സമർപ്പിക്കുന്നു. ഇപ്പോഴത്തെ ബില്ലിനെ ആലോചിച്ചതായ സെലക്ററ് കമ്മിറ്റിയിൽ ൯ മെംബർമാർ ഉണ്ടായിരുന്നു. അവരിൽ അനുദ്യോഗസ്ഥമെംബർമാർ നാലുപേരുണ്ടായിരുന്നു. അതിൽ മൂന്നു പേർ ഈ മഹാസഭയിൽ സാമാജികരല്ല. അന്നത്തെ സഭയിൽ ൫൭ സാമാജികന്മാരെ ഉണ്ടായിരുന്നുള്ളൂ. ഈ മഹാസഭയിൽ ൬൦ മെംബർമാർ ഉണ്ടു. ഇവരിൽനിന്നും ഏതാനും മെംബർമാരെ കൂടിച്ചേർത്തു പുതുതായി ഒരു സെലക്ററ് കമ്മിറ്റി രൂപീകരിച്ച് അവർ ഒന്നുകൂടി ഈ ബില്ലിനെ കുലങ്കഷമായി ആലോചിച്ചതിൽ പിന്നീട് ഈ സഭ അതിനെ പുനരാലോചിക്കുന്നതു സമുദായരക്ഷയ്ക്കും സമുദായപിതൃസ്ഥാനം വഹിക്കുന്ന ഗവർണ്മെൻറിന്റെ മേന്മയ്ക്കും കൃതബോധത്തിനും അധികം ഉചിതമായിരിക്കും.

എന്നതന്നെയല്ല, ദായക്രമത്തിലും പിൻതുടർച്ചാവകാശത്തിലും വിവാഹബന്ധത്തിലും നായർസമുദായവും ഈഴവസമുദായവും നാഞ്ചിനാട്ടു വെള്ളാളസമുദായവും അനേകം വിധത്തിൽ ഒരെ രീതിയിൽ ഉള്ളവരാകുന്നു. നായർസമുദായത്തിന് ഒരു റെഗുലേഷൻ ഉണ്ടായിട്ടുണ്ടു. അതിനെ അനുകരിച്ചാണ് ഈഴവബിൽ ഉണ്ടാക്കിയിരിക്കുന്നതു. എന്നാൽ നായർ റെഗുലേഷണിൽ പറഞ്ഞിട്ടില്ലാത്തതായി വസ്തുവിഭാഗം മുതലായ സംഗതികളെ ഈഴവബില്ലിൽ ചേർത്തിരിക്കുന്നു. ഈ സംഗതികൾക്കു നിയമം ഉണ്ടാക്കേണ്ടതു ഈഴവസമുദായത്തിന് ആവശ്യം തന്നെ.

നായർസമുദായത്തിൽ വസ്തുവിഭാഗം ഏതുവിധം വേണമെന്ന് ഇതുവരെ തീർച്ചയായിട്ടില്ല. ഇതിനെപ്പറ്റി വലുതായ മത്സരം നായർസമുദായത്തിൽ നടന്നുവരുന്നു. ഇക്കാര്യത്തിൽ ഒരു ബിൽ എന്റെ മാന്യസ്നേഹിതൻ ശ്രീമാൻ കെ. പി രാമൻപിള്ള ഈ സഭയിൽ ഇത്തവണ

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[Mr. T. K. Velu Pillai.]

രാജരാക്കാൻ പോകുന്നു. നാഞ്ചനാട്ടു വെള്ളാളരുടെ ദായക്രമാദികളെ പറ്റിയുള്ള ബില്ലും സഭയിൽ വന്നിട്ടില്ല.

ഈ മൂന്നു ബില്ലുകളിലേയും നീതിതത്വം പ്രായേണ ഒരുവിധത്തിൽ ഉള്ളതായിരിക്കെ ഇവയെ എല്ലാം ഒരേ കാലത്തിൽ സംബന്ധപ്പെട്ട എല്ലാ മെംബർമാരും ചേർന്ന് ആലോചിച്ചു തീർച്ചപ്പെടുത്തുന്നത് അധികാഹിതകരമായി പരിണമിക്കും എന്നാണ് എന്റെ വിശ്വാസം.

സാമുദായികകാര്യങ്ങളെ നായർസമുദായത്തിലുള്ളവർ അനേകം സ്ഥലങ്ങളിൽ യോഗംകൂടി ആലോചിച്ചു വരുമ്പോളെല്ലാം ഈഴവസമുദായവും തങ്ങളുടെ സമുദായകാര്യങ്ങൾ അവരോടൊന്നിച്ചു അതേ സമയം തന്നെ ആലോചിക്കേണ്ടതാണെന്നും ചില പ്രമാണപുരുഷന്മാർ അഭിപ്രായപ്പെടാറുണ്ടു്.

ഇപ്പോഴത്തെ ബില്ലിനു ഫ 0 0 -ൽ അധികം എണ്ണം അമെൻഡുമെൻറുകൾ വന്നിരിക്കുന്നു. എല്ലാ സമുദായക്കാരും അമെൻഡുമെൻറുകൾ അയച്ചിരിക്കുന്നു. ഈ ഒറ്റ സംഗതി തന്നെ ഈ ബിൽ വളരെ തക്കപ്പെട്ട വിഷയമാണെന്നു വ്യക്തമാക്കുന്നു. ഈ നിലയ്ക്കും ഈഴവബില്ലിനെ ഇപ്പോഴത്തെ നിയമസഭയിലെ ബഹുമാനപ്പെട്ട പണ്ഡിതന്മാർ ചേർന്നതായ ഒരു പുതിയ സെലക്ററ് കമ്മിറ്റിയെ ഏല്പിക്കേണ്ടതാണെന്നു ഞാൻ നിർദ്ദേശിക്കുന്നു.

ഈ സഭ എന്റെ നിർദ്ദേശത്തെ അനുവദിക്കാത്ത പക്ഷം, നായർ ബില്ലിനേയും നാഞ്ചനാട്ടു വെള്ളാളബില്ലിനേയും പറ്റിയുള്ള സെലക്ററ് കമ്മിറ്റികളുടെ റിപ്പോർട്ടുകൾ കിട്ടി അവയെ ഈ സഭ ആലോചിക്കുന്നതിനു മുമ്പായി ഈഴവബില്ലിനേയും പറ്റി ആലോചിക്കാനായി മാറ്റിവയ്ക്കണമെന്നു ഞാൻ രണ്ടാമതായി നിർദ്ദേശിക്കുന്നു.

ഈ നിർദ്ദേശത്തിനെ ഈ ബില്ലിന്റെ പ്രയോക്തവായ ബഹുമാനപ്പെട്ട ലാ മേംബർ അവർകൾ യാതൊരു ആക്ഷേപവുംകൂടാതെ സ്വീകരിക്കുമെന്നു ഞാൻ പൂർണ്ണമായി വിശ്വസിക്കുന്നു.

Mr. T. K. VELU PILLAI: Never before have I risen to speak in this Council with a feeling of greater responsibility or obsessed by greater difficulty. The members of the Ezhava community, a very industrious and prosperous community in Travancore, have been demanding certain modifications in their law for several years. Mr. Subba Aiyar himself has said that it has been hanging fire for seven years, and that, owing to unavoidable circumstances, it was not possible to place this

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Bill for consideration before the Council earlier. Sir, if the Government had only come to this Council with the promptitude they have in bringing proposals for supplementary grants, the Ezhavas would have got a law like this very much earlier than now. (*Laughter.*) It is unfortunate that the measure was delayed.

Mr. Subba Aiyar took us through a portion of the history of the bill. I shall take this Council through an earlier period in the history of this measure. I have got in my hands....

DEPUTY PRESIDENT: Mr. Velu Pillai, before you proceed further, will you please let me know whether you oppose or support Mr. Subba Aiyar?

MR. T. K. VELU PILLAI: I support Mr. Paramesvaran.

DEPUTY PRESIDENT: You may proceed.

MR. T. K. VELU PILLAI: In 1082, a memorial was presented by the members of the Sri Mulam Poular Assembly. In it was stated:—

"It has become highly necessary for the stability and prosperity of *Marumakkathayam Tarwads* that there should be a law for partition between *Thavazhees* (branches). We pray that a Commission may be appointed to enquire and report as to what kind of *Thavazhees* should be permitted to divide from each other, how long the members of a *Tarwad* usually live together in harmony under the authority of a *Karnavan*, when partition becomes necessary and what the public opinion is as to the method of effecting partition, and to prepare and submit a bill to Government."

Sir, I am considerably fortified by the opinion of the signatories to this memorial, all of whom are high-placed gentlemen. Among them I find the name of a respected member of the Ezhava community—respected not only by the Ezhavas but by all the communities in Travancore—I mean Mr. M. Govindan, whom the Government have been pleased to appoint as a member of this Council. He was in the Popular Assembly, not in his private capacity, but as a member of the S. N. D. P. Yogam—the union that has done so much good to the Ezhava community. After this, another memorial was presented to the Government and, in that, the memorialists wanted the *Marumakkathayam* system of law to be improved. It is unfortunate that these glorious efforts have dwindled down into the Nair Regulation. To my mind, these communities—the Nairs, Ezhavas, Vellalas, Tampurans, Koil Tampurans, Unnies and others cannot be placed in separat compartments in matters of legislation.

DEPUTY PRESIDENT: I am afraid you are not in order. The principle of the bill has already been affirmed by the Council.

MR. T. K. VELU PILLAI: With due respect to what the President observed, I may say that I am utilising all these facts to support Mr. Paramesvaran who said that the bill should be sent back to the Select Committee.

DEPUTY PRESIDENT: But the arguments must be such as not to conflict with the Council's accepting the principle of the bill at an earlier stage. If you think there are materials for fresh investigation by a new Committee, the position is perfectly intelligible. But no,

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[Mr. T. K. Velu Pillai.]

amount of historical disquisition is going to help us in solving that question. Whether any case has been made out for sending the bill back to the Select Committee or whether the Council may take it up for consideration forthwith—in that aspect of the matter it will be more pertinent if you put forth facts and figures.

MR. T. K. VELU PILLAI; Without history, it is not possible to elucidate anything. There is nothing so important as a travel through certain historical landmarks. However, in the light of what the Chair has pointed out, I do not stress the point any further.

The section under which I want this Council to proceed is Order 37 (2),

DEPUTY PRESIDENT: You mean Order 37 of the Standing Orders?

MR. T. K. VELU PILLAI: Yes; it runs as follows:

"If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed."

It does not tell us what should be the particular reason. Whatever be the reasons present to the minds of the gentlemen who made the rule, action can be taken by the Council under it. But I am prepared to be ruled by the Chair in case any arguments illustrating my position are not relevant.

As I observed, I cannot view these different communities as fit to be put in separate water-tight compartments. The *Marumakkathayam* law has been the possession of Malabar society as a whole, composed as it is of very many castes and classes. As Mr. Paramesvaran observed, there are two other bills coming up before this Council, which have, for their object, the modification of the law which obtains among Nairs and Vellalas.

DEPUTY PRESIDENT: Without interrupting you, may I say that Mr. Paramesvaran rested his objection on two specific grounds. I understand his wish to be that either the bill be recommitted, or the consideration of it be adjourned until the submission of the Select Committee's report on the Nair Bill or the Nanjanad Vellala Bill.

MR. T. K. VELU PILLAI: I want the bill to be re-committed.

DEPUTY PRESIDENT: Then please say so, and give your reasons.

MR. T. K. VELU PILLAI: That is what I am doing. The springs of unrest are the same, the springs of dissatisfaction are the same—whether it is the Nair or the Ezhava or any other community. The *Marumakkathayam* family, in its integrity, stands for a common, corporate, domestic life. According to its strict rules, no man can live separately. Everybody has to live under the common roof and share the common mess. And so, to-day the community looks upon the present law as not suited to it. Most of the *Marumakkathayees* want suitable modifications in the law and their desire

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is more towards the attainment of *Makkathayam* than anything else. This is the feeling that is permeating the minds of every community. I may say that, until the Nair Regulation was passed, the courts did not make much difference between the rules of *Marumakkathayam*, whether the litigants were Nairs, Samantas, Ezhavas or any other class. It was enough for them that they were *Marumakkathayees*. It should be remembered that certain of the important decisions of the Madras High Court which have laid down the *Marumakkathayam* law appertained to cases where the parties were Mahomedans. It is those rules that apply in the case of the Nair, Koil Tampuran and other communities, so that the growth of the *Marumakkathayam* law is general and not confined to particular castes. However, separate communities have been agitating for compartmental legislation. There are the Vellala bill, the Ezhava Bill and the Nair Bill. If this goes on, we shall have very soon to pass a, Barber Bill, a Carpenter Bill a Blacksmith Bill and a Washerman Bill (*Laughter*).

DEPUTY PRESIDENT: I fear, Mr. Velu Pillai, you are not in order. The Cuncil has committed itself to the principle of the Ezhava Bill for regulating the management, partition, etc., of Ezhava *Tarwads*. At this stage it is not open to you to go behind that decision of the Council. You may move for the bill being recommitted with reference to particular clauses only. In the light of the petitions that have been placed before the Council, you cannot move for the bill being recommitted in its entirety.

MR. T. K. VELU PILLAI: I am sure that only strengthens my case for the recommittal of this bill to the Select Committee. This Council is a very much larger Council than its predecessor. Select Committees will have to be appointed for the consideration of the two other bills which I find in the agenda. The experience of other communities also is very useful. The wants and desires of the Nair community will enable the members of the Select Committee to which this bill may be committed, to come to a better decision, particularly because the present Ezhava Bill is mainly based on the Nair Regulation.

There is some cleavage of opinion in the community itself, as pointed out by my friend, Mr. K. P. Raman Pillai, regarding certain important aspects of the bill. I am quite aware of the fact that most people want *Makkkathayam*. There is a considerable number of people who want *Misradayam*.

MR. K. P. RAMAN PILLAI: I may inform my friend that my petitioners do not want *Makathayam* at all.

MR. T. K. VELU PILLAI: I never said that Mr. Raman Pillai said so. Quite independently of him, I say that there is a large volume of opinion in favour of *Makkathayam*. I once again say that there *is*.

DEPUTY PRESIDENT: Have you sent up any amendment with reference to the Select Committee's report, Mr. Velu Pillai?

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[Mr. T. K. Velu Pillai.]

MR. T. K. VELU PILLAI: No, Sir. I am only talking on Mr. Paramesvaran's motion; and I suppose I am entitled to do so. There are certain defects which will retard the progress of the Ezhava community, in case the bill is passed in its present form. That will be frustrating the magnificent ideals for which the Ezhavas are working. The bill stigmatises the Ezhava community, for example, in the matter of freedom of marriages. "One God, one caste, one religion" is the grand ideal for which the great sage of the Ezhava community has been working for these several years. And I am not in favour of prohibiting an Ezhava from marrying a member of another community. All these are facts which we must consider.

DEPUTY PRESIDENT: Can we not consider this question when we come to the different sections? What I am saying is, without a recommittal to the Select Committee, is it not open to the Council to consider this question now?

MR. T. K. VELU PILLAI: I am sure that the Council will be very prudent in the course they adopt. This bill is similar to the Nair and the Vellala Bills that are before the Council. The deliberations of the Committees which may sit on them will help us in the consideration of this bill, as the bills relate to the same question in a society which is similar to the Nair and Vellala societies in many vital matters.

DEPUTY PRESIDENT: We can take up these bills one by one.

MR. T. K. VELU PILLAI: I understand it, Sir.

We have to serve the interests of the community in as good a manner as possible. I know the ideal for which the community stands; I know the ideal of the great saint, who is the *kohinoor* of love and humanity and religious faith; and it is, therefore, that I want a law which will facilitate the growth and development of the Ezhavas in all directions. Apart from these general questions, I think the Council will be indulgent enough to accept the view of Mr. Paramesvaran that this bill may be sent back to the Select Committee so that the experience of a larger Council and of other people may be made available for one of the most properous communities in Travancore. It is not a matter which may be decided in haste. As I observed in the beginning, it is unfortunate that the bill has been delayed so long. The Legislative Department could have come to the Council with this bill earlier. I trust that hereafter my friend in charge of the bill would do his part of the work with sufficient expedition. I hope my friend would bring up this bill also along with the others which deal with kindred questions, so that general conclusions may be arrived at. That is one of the weighty reasons, so far as I am concerned, why this bill should now be recommitted to the Select Committee. There are certain features in the Malayalee society common to all the different communities. If each

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of these is put into water-tight compartments, it will neither be profitable to the community nor advantageous to the country. Therefore, I maintain that it is imperatively necessary that this bill should be sent back to the Select Committee so that a fuller discussion may be had and a better conclusion arrived at.

MR. A. HOOGEWERF: Sir, I strongly oppose Mr. Paramesvaran's motion for postponing the consideration of this bill. I closely followed all his arguments, but I am sorry to say that I remain unconverted. The bill has been drafted by an able Committee. As Mr. T. K. Velu Pillai said, one of the finest gentlemen in Travancore served on this Committee. Mr. Bhuthalingam Aiyar who could not be suspected to have any bias one way or the other was also on the Committee. It was after careful deliberation that this bill was drafted. It was drafted a long time ago and it has been hanging fire till now. It was tabled for consideration during the last session; but, for some reason or other, it did not come up for consideration then. There was plenty of time for people to have brought up a proposal of this kind during this long interval. But no one cared to do so. I do not think, therefore, that any case has been made out for recommitting this bill to the Select Committee.

MR. T. K. VELU PILLAI: I wish to know whether I am precluded from speaking on the amendments.

DEPUTY PRESIDENT: No.

MR. M. R. MADHAVA VARIAR: I move that the bill be recommitted to the Select Committee to make certain additional provisions therein.

DEPUTY PRESIDENT: Your proposal is not new, Mr. Madhava Variar. Mr. Paramesvaran's proposition is also the same.

MR. M. GOVINDAN: Permit me, Sir, to thank Mr. Velu Pillai and Mr. Hoogewerf for the very kind compliments they have paid to me.

I stand to oppose Mr. Paramesvaran's proposition to commit the bill again to the Select Committee or for adjournment of the consideration of the bill. Having been a member of the Committee appointed to ascertain the opinion of the Ezhava public in respect of the points referred to the Committee for consideration, I feel bound to answer that the Committee have not made its recommendation by a mere consideration of the opinion of the majority in this matter. The subject being one of social legislation, we thought it was safer to err on the side of moderation than of forcing the pace. A large majority of the witnesses did not influence us in coming to the conclusion.

DEPUTY PRESIDENT: The question now before the Council is whether any necessity has been made out for the recommittal of the bill to the Select Committee.

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[Mr. N. Kumaran.]

MR. M. GOVINDAN: I thank you, Sir, for your suggestion.

I do not see from the speeches made here that any necessity has been made out for the recommittal of the bill to the Select Committee. The Law Member is not rushing the bill through the Council with any undue haste. I support the motion of Mr. Subba Aiyar.

MR. A. GOVINDA MENON: I beg to support the motion of Mr. Subba Aiyar in the name of the Ezhavas of North Travancore and propose that the bill should not be recommitted to the Select Committee. The Ezhavas are very anxious that this bill should be passed into law. Of course, modifications will have to be made in the bill; but they can be made in the Council in the course of the discussion on the Select Committee's Report. To say at the last moment, when the bill is about to be seriously discussed in the Council, that it should be recommitted, would mean a delay of at least six or seven months; and I do not think it is a wise policy.

MR T. K. VELU PILLAI: I wish to put a question. I wish to know what description of Ezhavas forms the majority of Ezhavas in North Travancore?

MR. A. GOVINDA MENON: *Makkathayees* in *Marumakkathayam* garb. (*Laughter.*)

MR. T. K. VELU PILLAI: I find Sir, in this bill that "It shall apply to all Ezhavas domiciled in Travancore other than those who follow *Makkathayam*." I wish to know whether the Ezhavas of North Travancore do not come under this law.

DEPUTY PRESIDENT: That is not a question which should be brought forward now. It is only a casual observation.

MR. N. KUMARAN: Mr. Paramesvaran has moved for the recommittal of the Ezhava Bill to the Select Committee, under Rule 78 of the Manual (*Vide* Standing Order No. 37.) To my mind, it appears that Mr. Paramesvaran has no right to make such a motion under that rule. The rule states that the bill that has been once committed to the Select Committee can be recommitted *only* if the *mover* of the bill so desires and makes a motion for that purpose. This is the Section:

"After the presentation of the final report of the Select Committee on a Bill the member in charge may move that the Bill be recommitted".

(*Vide* Rule 78 (i) (ii) of the Legislative Council Manual.)

I have left out one portion of the clause.

MR. G. PARAMESVARAN PILLAI: Mr. Paramesvaran's motion is made under clause (2) of that Rule.

MR. N. KUMARAN: Well, it didn't strike me thank you

For this bill, which has been pending before the Council for the last so many years, being recommitted to the Select Committee, either

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without any limitation or with some specific purpose, I submit that no sufficient ground has been made out either by Mr. Paramesvaran, Mr. Velu Pillai or any other previous speaker. No doubt, a number of petitions were presented to this Council indicating that certain sections of the Ezhava community are opposed to some of the provisions of the bill. It is clear that this bill has been before the public ever since the Committee made its recommendation in 1919. The Select Committee's report itself was before the Council for not less than a year. In the meantime, there was sufficient opportunity for any section of Ezhavas—and, for that matter, for all the members of this Council—to study the bill, discuss it among themselves and come to a conclusion as to whether any amendments are necessary or not. It is also clear from the agenda placed in our hands that as many as one hundred amendments have been proposed by several members in this Council. The fact that a large number of bills that are before this Council relate to communities who are more or less like Ezhavas in the matter of marriage, succession, etc., is not an argument which should be given any weight to, so far as this matter is concerned, for it is not clear that we have reached the end of such bills. Probably, some other communities may come forward hereafter and want other bills to be taken up for consideration and passed into law. Therefore, there is no knowing at what stage we are to stop and take up all these bills together for consideration. Since the principle of the bill has been accepted by the previous Legislative Council, my view is that it would be simply staying or putting back the hand of progress if we send back this bill to the Select Committee.

Mr. Velu Pillai, in the course of his remarks, said that there was a large section of Ezhavas who are committed to *Makkathayam*. But, from the nature of the amendments we have received, it is also clear that Mr. Paramesvaran and people of his way of thinking are not for any provision being made for giving *Makkathayam* to this community. Their purposes are, therefore, different. If that is the evil that has to be removed from this bill, I think the remedy suggested by Mr. Velu Pillai, *i. e.*, recommitting the bill to the Select Committee would not be a sufficient remedy, especially because Mr. Velu Pillai is sure that this is not a disease, but a natural growth,—and a growth which has to be accepted by this Council. In social legislation, it is not always possible for getting the consent of the whole community. All that we should care for is whether a large majority wants it. It is clear from the evidence recorded by the Committee that the general trend of opinion is for the bill. The Committee, in making their proposals, have been very careful not to take the view expressed by the advanced majority of the community. What I mean is that the people who follow *Marumakkathayam* strictly want only *Makkathayam* and individual partition. A small portion of the community, who follow the mixed system, do not want either individual partition or *Makkathayam*. The Committee accepted a middle course, almost a compromise, and made the recommendation that *Makkathayam* and *Thavazhee* partition might be provided. And I think Mr. Velu Pillai will also accept the soundness of that course.

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[Rao Bahadur K. V. Rangasvami Aiyangar.]

DEPUTY PRESIDENT: May I point out to you that, at present, we are not concerned with the correctness or otherwise of the Select Committee's recommendation?

MR. N. KUMARAN: What I say is that all these questions were considered by the committee. In the several successive sessions of the S. N. D. P. Yogam, resolutions were passed and submitted to Government saying that they wanted individual partition and *Makkathayam*. Now, simply because certain provisions of the bill are not acceptable to certain members of the community in certain taluks, who certainly are not in the majority but in the minority,—I submit that is not a reason for the Council to postpone the consideration of this bill at this stage. The Nair Bill and the Vellala Bill are pending introduction and it will take two or three years before they reach the stage of second reading in this Council. It is not possible for us to expect, especially in respect of the Nair Bill, that the Select Committee's report will be like the Select Committee's reports on other Bills. It is feared that there will be tough fight with regard to certain provisions in the Nair Bill.

DEPUTY PRESIDENT: I think you need not go into details with respect to the Nair Bill.

MR. N. KUMARAN: What I submit is that the Nair Bill may probably be taken into consideration only after the lapse of a year or two, probably only in the next Council. With respect to the Vellala Bill, I fear it may not fare better. That the Ezhava Bill should wait till the Select Committee's reports on the other two Bills have been received is a contingency which this Council should not accept. Further, the only argument that has been advanced by Mr. Paramesvaran and Mr. Velu Pillai for the recommittal of this bill, was that there were two other Bills pending. I submit that that is no argument at all. There is nothing in the provisions of the Legislative Council Regulation or in the rules passed thereunder for the consideration of these bills together. And as pointed out by a previous speaker, it is not possible for this House to consider them all together. Therefore, it is not likely that we would derive any advantage by postponing the consideration of this bill to another session of this Council. This bill was before the Council at the last sitting, but it was not taken up for consideration then. I, therefore, think that a sufficient case has not been made out for the recommittal of the bill back to a Select Committee.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: Sir, I wish to ascertain, for the information of members of this House who are not personally interested in this piece of social legislation, who may have to make up their mind one way or the other, what the precise position is in regard to those petitions that have been presented to the Council to-day. If these petitions merely repeat a certain number of statements

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that have been made, and cover the course of the various amendments which have been proposed and tabled for discussion, then perhaps there may not be any object whatsoever in postponing the discussion. But, if the petitions are found, on investigation, to contain a certain amount of *new* material, which was not, presumably, before the Select Committee, I think, in fairness to the large community whose interests will be affected by the legislation we adopt at this time, it may become necessary to get a certain amount of time. So far as I was able to understand Mr. Velu Pillai, I think his position is not so much a reconsideration of the report of the Select Committee as to get a certain amount of time for further consideration of certain points which Mr. Parameswaran and others of his way of thinking are interested in.

DEPUTY PRESIDENT: Those petitions cannot form the subject of a debate. As for a statement of the main allegations contained therein, it appears that they support a certain position with reference to the matter of partition and succession with which the Select Committee and the Ezhava Law Committee were not always in perfect agreement.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: I merely want to know whether the petitions contain any *new* matter.

DEPUTY PRESIDENT: No. So far as I was able to follow, they do not refer to any important matter disclosed after the submission of the Select Committee's report which would justify the recommittal of the bill to the Select Committee. The petitions disclose a state of restlessness in the community and a natural desire that particular provisions should be shaped in a particular manner.

MR. P. K. NARAYANA PILLAI: I am also supporting Mr. Parameswaran, being of opinion that the Bill has to be recommitted. My grounds for supporting him are as follows. It has been pointed out that the Bill was originally introduced in the previous Legislative Council or the one previous to that seven years ago. No doubt, then some evidence was taken; but, in view of the lapse of time, it cannot be said that things continue as they used to be seven or eight years ago. Further, by the constitution of the present Legislative Council, the community itself, by the sort of electorate that is set up now, has been brought into closer contact with the legislative machinery. Originally the electorate itself was entirely different. In the light of the fuller representation now obtained by us, what has been done in connection with the Bill at its different stages in the past could not have attracted any intense attention from the people, and, therefore, need not meet with any serious approval of this House. The slackness evidenced in the intermediate stages in the progress of the Bill may be attributed to that cause. The report came into existence about this time last year. It cannot be said that there has been undue delay in the consideration of this Bill since then. Further, three or four members who were in the Select Committee which sat upon the Bill are no longer in the Council. The general principles of this Bill were never discussed in this Council,

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[Mr. P. K. Narayana Pillai.]

so much so that I should consider that it is only reasonable if any member of this Council is of opinion that further time is required and further consideration by a Select Committee of this House is necessary.

DEPUTY PRESIDENT: It is rather a large order.

MR. A. HOOGEWERF: I beg to know whether the large number of amendments does not give sufficient scope for clearing up the whole grounnd.

MR. P. K. NARAYANA PILLAI: I do not quite understand how to get about clearing when the groundwork itself calls for examination.

DEPUTY PRESIDENT: Mr. Hoogewerf asks whether the Council will not have the opportunity of going through the whole Bill while taking up the amendments.

MR. P. K. NARAYANA PILLAI: My answer is that it will not be the proper or convenient way.

MR. A. HOOGEWERF: I have another question. Does Mr. Narayana Pillai's proposition mean that every Bill passed by the previous Legislative Council should be gone into by this Council again?

MR. P. K. NARAYANA PILLAI: Certainly not. I am not putting my objection on any ground of legal invalidity. I say that it is in the discretion of the Council to get this Bill reconsidered in the Select Committee.

DEPUTY PRESIDENT: Could you not do it in the open Council instead of in the Select Committee?

MR. P. K. NARAYANA PILLAI: That is inconvenient; further, there are other objections to that course, presently to be noticed.

There is another matter of equal importance to be considered in this connection. It is the outcome of the various petitions that have been put in just now. It cannot be said that all these petitions can be considered by this general meeting bestowing adequate attention on them. With respect to the contents of the petitions, the President told us what they are supposed to contain.

DEPUTY PRESIDENT: I only gave out what the members who presented the petitions said.

MR. P. K. NARAYANA PILLAI: They may contain reasons for and against the positions taken up by the different members of the Select Committee, the report of which is not altogether unanimous. Mr. Nidiry has appended a dissenting minute. Mr. Raman Tampi was wavering as to whether he should dissent or not and ultimately managed without dissenting.

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DEPUTY PRESIDENT: Do you expect absolute unanimity in the new Select Committee, if formed?

MR. P. K. NARAYANA PILLAI: I do not know how the additional reasons, if any, contained in the petitions will appeal to the new Select Committee. In the light of the contents of the petitions—I myself do not know what is contained in them—

DEPUTY PRESIDENT: Under the law

"Every member offering to present a petition shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition.

"If the petition is in conformity with Standing Order No. 60, the Secretary shall, if so required by the President, read it to the Council or shall make an abstract of it and read the abstract to the Council. The President shall not allow any debate or any member to speak upon or in relation to such petitions."

Probably the petitions are presented to represent the volume of public opinion for or against a particular question and in order that they may have some moral weight. I think the petitions are not meant for anything more than that. I think you need not go further on that point.

MR. P. K. NARAYANA PILLAI: If there was any possibility, I would have moved for an adjournment of the consideration of the report of the Select Committee in view of these petitions. But, as the rules stand at present, no member is at liberty to move an adjournment of the consideration of the Bill brought up at the instance of the mover, but only to oppose the Bill and move for recommittal. The rules do not permit of an adjournment.

DEPUTY PRESIDENT: You say that you will be satisfied with an adjournment of the discussion.

MR. A. HOOGEWERF: I wish to know from the Chair whether the member has sent in any amendment, and, if not, whether he can oppose the Bill.

MR. P. K. NARAYANA PILLAI: The question is not relevant to the present discussion.

MR. A. HOOGEWERF: It is for the Chair to say and not for the member.

DEPUTY PRESIDENT: Without sending in any amendment Mr. Narayana Pillai is at perfect liberty to oppose the Bill.

So, according to you, Mr. Narayana Pillai, no case has been made out for recommitting the Bill to the Select Committee, but there is a case made out for the adjournment of the debate. But, as you are powerless to make a motion for the latter under the rules, you move for recommittal to the Select Committee. Is that your position?

MR. P. K. NARAYANA PILLAI: That is one of the difficulties that necessitate my position. That is the irreducible minimum.

In opposing the motion of Mr. Subba Aiyar, I request that the prayer of Mr. Paramesvaran may be granted. Let there be no attempt to rush through the amendments. It has already been said that there

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[Deputy President.]

is a preponderant majority supporting the Bill. If that were the case nobody is going to suffer by a re-committal of the Bill. The stress laid on the alleged delay in the consideration of the bill is beside the point. What has been lost by the delay or what is going to be gained by not re-considering the bill is not explained. With these words, I support the motion of Mr. Paramesvaran.

MR. K. P. RAMAN PILLAI: Sir, I support Mr. Paramesvaran's motion for recommitting the Bill to the Select Committee to consider the matter in all its aspects in view of the petitions that have been now placed before the Council.

DEPUTY PRESIDENT: As one of those who presented the petitions, will you tell us whether they contain anything new?

MR. K. P. RAMAN PILLAI: That is just what I am going to say.

So far as the petitions I had presented are concerned, they contain one very serious allegation which the Council has to take into consideration. That depends again on the question whether the Ezhava Committee, in making their recommendations, were influenced by the majority of the witnesses or not.

Mr. Govindan was telling us, as the spokesman of the Committee, that he was not influenced merely by the opinion of the majority, as it was a piece of social legislation. Well, on the other hand, Mr. Kumaran, who is equally enthusiastic about taking the Bill into consideration at this stage, told us that the Committee was influenced by the majority of witnesses who supported the position that has been taken up by the Select Committee.

MR. N. KUMARAN: I did not say so.

MR K. P. RAMAN PILLAI: That was what I understood. (*Laughter.*) At any rate, if the Committee were not influenced by the majority of witnesses, I am curious to know by what standard they went.

MR. M. GOVINDAN: I can say thus much, that they were not influenced by a mere majority.

MR. K. P. RAMAN PILLAI: Then, did they draw upon their imagination?

MR. A. HOOGEWERF: I rise to a point of order. Is the member in order in criticising the work of the Select Committee?

DEPUTY PRESIDENT: He was not criticising the Select Committee's report; he was only casually referring to it.

MR. K. P. RAMAN PILLAI: The Ezhava constituents of the Quilon taluk have protested against the report of the committee.

DEPUTY PRESIDENT: Then, do you want the proposed Select Committee to enquire into the validity of the report?

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MR. K. P. RAMAN PILLAI: It may have to.

MR. A. HOOGEWERF: I wish to know whether petitions which may be pseudonymous can carry any weight in this Council.

DEPUTY PRESIDENT: It is rather difficult to answer that question; they may carry weight or may not. I may mention that allegations made in petitions would not be enough justification for a Bill being recommitted. The petitions were sent up to the Council, and the Council may or may not be influenced by them.

MR. K. P. RAMAN PILLAI: My submission was in regard to the allegations. We have to consider whether the Committee was influenced by the majority or not.

DEPUTY PRESIDENT: You mean the Select Committee or the Ezhava Law Committee?

MR. K. P. RAMAN PILLAI: The Ezhava Law Committee.

The only criterion by which the non-official members would go is the wish of the majority.

DEPUTY PRESIDENT: You may adopt that criterion. I dare say you will be right in going by that standard.

MR. K. P. RAMAN PILLAI: Whatever that be, the allegations in the petitions are very clear.

MR. JOSEPH PANJIKARAN: I wish to know whether Mr. Raman Pillai will be able to assure the House that the signatories are all voters.

DEPUTY PRESIDENT: I fear we are straying away from the point.

MR. K. P. RAMAN PILLAI: I had neither the time nor the convenience to collect that information. The petitions were sent to me by Anchal to be presented to this Council; there they are, and I take my stand on the strength of them. A large section of the community has made this allegation.

DEPUTY PRESIDENT: Do the petitioners pray for a re-committal?

MR. K. P. RAMAN PILLAI: If not a recommittal, they want a reconsideration. They say that a large majority of them are followers of the mixed system and that they should be excluded from the operation of the Bill. They cannot dictate as to what we should do.

DEPUTY PRESIDENT: They want a reconsideration, as the Bill cannot be recommitted. I think that is the position. You can proceed.

MR. K. P. RAMAN PILLAI: They only pray for it and it is left to the good sense of the Council to decide what course to adopt. It

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[Mr. K. P. Raman Pillai.]

is left to the Council to consider the Bill clause by clause or have it recommitted. However, the allegation is very serious, *viz.*, that, when the followers of the mixed system reduced their prayer to writing, appended their signatures to those petitions and presented them to the Committee, they refused to examine all the signatories, but examined only representatives from among them. And in counting the number of witnesses, the Committee excluded all the signatories except those examined by them directly. That is a bit unfair.

MR. N. KUMARAN: I may correct him here. So far as my knowledge goes, every Ezhava who was present at the committee's meetings and wanted to be examined was examined.

MR. M. R. MADHAVA VARIAR: I rise to a point of order. Can any member speak on the petitions presented to this Council?

DEPUTY PRESIDENT: I have told many times that he cannot.

MR. K. P. RAMAN PILLAI: The allegation contained in the petitions is very serious. But here is Mr. Kumaran saying that the Committee did not refuse to take evidence!

DEPUTY PRESIDENT: Mr. Raman Pillai, when you rest your motion for recommittal on the ground that there are certain serious allegations against the procedure of the Select Committee, do you think that you secure the position by recommitting the Bill now? Is there any guarantee that similar petitions will not be forthcoming again? I am suggesting to you for consideration that, by itself, the allegation may not be a ground for re committal. Any serious allegation that the petitioners may make against the conduct of the Ezhava Committee is not a matter that should legitimately form a subject of discussion at this stage. So far as I am concerned, I am fortified by the admission made by the Ezhava members who sat on the Bill that they did not go by the majority alone.

MR. K. P. RAMAN PILLAI: My submission is that Government have been basing their case particularly on the unanimous recommendation made by the Ezhava Committee. But there are these petitions which will have to be considered in deciding whether the Ezhavas should have the mixed system or the *makkathayan* system of inheritance.

It was said in this Council that, in the matter of giving the Ezhavas a law, the Bill was hanging fire for seven years, and that the Select Committee submitted their report only a year ago. Since then, there had been no Legislative council, and for various other reasons, the Bill did not come up for consideration earlier. Since the Bill has been pending for several years, I think no harm could be done by waiting for a few months more. Mr. Kumaran was saying that, if we postpone the consideration now, it would take another three years for it to come again. I request my friends not to take Mr. Kumaran for a prophet. (*Laughter.*) I do not credit him with prophetic ideas. (*Laughter.*)

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I have introduced the Nair Bill. I do not know what will take place in the next few years. I might die, the Council might dissolve when this Bill comes up, and so on. But this Council will have to decide what kind of inheritance is to be prescribed for the Nairs. The Nanjanad Vellala Bill also will soon come up. When all these are considered together, the mentality of the Council towards the Nair and the Vellala Bills then will help us a great deal to arrive at some sort of unanimity in the nature of the law that will have to be enacted in the case of the Ezhava community as well. I therefore strongly support the motion brought forward by Mr. Paramesvaran.

MR. K. PARAMESVARAN PILLAI: Sir, I rise to support the motion for reading the Bill in the Council just now and to oppose the amendment proposed by Mr. Paramesvaran. I assume, for the purpose of my argument, on the authority of the Chair, that the petitions presented before the Council contain no new matter which deserves the attention of a new committee and that they merely re-assert a position which was already before the Select Committee and was taken into consideration by that Committee.

MR. T. K. VELU PILLAI: I think the Deputy President has given that assurance.

DEPUTY PRESIDENT: I gave it only from the statement of the members. That is all. What I said was that no new contention was put forward which was not considered by the Select Committee or the Law Committee.

MR. K. PARAMESVARAN PILLAI: One of the members of the Council who presented a petition was specifically asked by the President whether the petition contained any new matter which required the consideration of the Select Committee. But all that he was able to answer was that the petitions which he presented contained a serious allegation to the effect that the taking of evidence by the Ezhava Law Committee was done in a rather irregular manner or something like that, and that the Committee was not influenced by the opinion of the majority of witnesses, but by something else. In the first place, I submit that, even if there is anything in the allegation, I do not think this is the time to consider it, as we have gone through several stages in regard to the Bill since the report of the Law Committee. Government passed their orders upon that report, a bill was duly drafted and introduced in the Council, and it has passed through the Select Committee. The Bill, as revised by the Select Committee, is now before the Council for consideration. It is therefore too late now to consider whether the Law Committee's procedure was open to objection or not. The only question for consideration is, therefore, whether any new matter has been brought before the Council to require it to recommit the measure to another Select Committee.

MR. T. K. VELU PILLAI: I wish to know whether any particular reason is necessary. The rule says merely: "If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted."

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[Mr. K. Paramesvaran Pillai.]

DEPUTY PRESIDENT: You are supposed to give the reasons when you oppose.

MR. T. K. VELU PILLAI: I beg your pardon; it is not opposing, but moving an amendment.

DEPUTY PRESIDENT: You may move that the Bill be re-committed without any reason being alleged.

MR. K. PARAMESVARAN PILLAI: I suppose the mover of the amendment wants it to be passed by the Council and, in order to do that, we must be satisfied with good reason. In the absence of it, we would not consider the amendment at all. In regard to Mr. Raman Pillai's statement that Mr. Govindan said that the committee was not influenced by the opinion of the majority of witnesses, Mr. Govindan himself has contradicted it. What he said was that they were not influenced *merely* by the opinion of the majority of witnesses. Perhaps there were other considerations which also influenced them.

MR. K. P. RAMAN PILLAI: May I know, Sir, what they were?

MR. M. GOVINDAN: It was not a bare majority that influenced the Committee. There was at least 76 per cent. majority.

MR. K. PARAMESVARAN PILLAI: They *had* a majority; that is the statement now made by Mr. Govindan. The statement that there was no majority is then wrong.

Mr. Raman Pillai's proposal is that the consideration of this Bill must be postponed till the reports of the Select Committees that may be appointed on the Nair Regulation Amendment Bill as well as the Vellala Bill are also before the Council for consideration. I beg to submit that, so far as I can see, no useful purpose will be served by such a postponement, for, in regard to the Nair Bill, members are aware that there is already a Nair Regulation in force. What is proposed is merely to amend it by introducing the principle of individual partition in Nair *tarwads*. This I think is also the provision in the Vellala Bill. This is far in advance of the Ezhava Bill that is now before the Council and certainly Mr. Paramesvaran and members of his persuasion, who are not prepared to go so far even as the Cochin Nair Regulation which provides, not for individual partition, not for *thavazhee* partition, but for something between the two, would be prepared to accept the recommendations of these committees. Suppose these committees recommended individual partition and complete *Makkathayam* for Nairs and Vellalas, may I ask whether the *Misravazhi* Ezhavas, represented by Mr. Paramesvaran, are prepared to have the Ezhava Bill amended on those lines? Certainly not. I think, therefore, that no useful purpose would be served by postponing the consideration of this Bill until the reports of the Select Committees on the other two Bills are before the Council. No other reason has been given by Mr. Paramesvaran as to why the consideration of this Bill should be postponed. I have read his speech carefully again to see whether there was any other reason; and the only reason he has given is that there are a hundred amendments

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to this Bill of which notice has been given by members. They will be duly taken into consideration when each of the provisions of the Bill is considered by this House. They are not going to be ignored. So that it appears to me that, with due respect to Mr. Paramesvaran, his position is like that of a defendant in a suit who has no defence to make, but wants to delay the suit for some other purpose. It appears to me that the time of the Council taken up for the discussion of this question has been wasted.

MR. T. K. VELU PILLAI: I object to the use of this expression; it is not parliamentary.

DEPUTY PRESIDENT: It is open to members to give out their individual views, Mr. Velu Pillai.

MR. T. K. VELU PILLAI: I want a ruling from the Chair as to whether the expression "waste of time" is parliamentary or not.

DEPUTY PRESIDENT: In the circumstances of the present case, I am not going to rule whether it is parliamentary or not.

MR. K. PARAMESVARAN PILLAI: I therefore, submit that, after hearing my friends, it appears to me that no substantial arguments have been brought forward to influence the House to vote in favour of the amendment of Mr. Paramesvaran. I, therefore, support with all my strength Mr. Subba Aiyar's motion for reading the Bill in Council.

MR. N. RAMAKRISHNA PILLAI: I support Mr. Subba Aiyar's motion and I oppose Mr. Parameswaran's amendment. It is no argument to say that the principle of the Bill has not been accepted by the Council. I think that absolutely no useful purpose will be served by sending this Bill back to the Select Committee and reconsidering this question again. It appears that there are two parties in the community; one party for legislation on the lines proposed and another, for the maintenance of the existing law. The party that now wants to keep their customs intact have this advantage in that they already follow a custom which allows a portion of their self-acquired property to be inherited by their wives and children. The present opposition of this party is really a serious obstruction in the way of progress in regard to the other section—the major portion of the community—who do not possess this advantage. The question whether the amendments proposed could be accepted or not can much better be discussed in this Council than in a committee; and, as numerous amendments have already been sent up, we need have no fear that important questions may be left out of discussion. I would, therefore, strongly oppose the motion to send the bill back to the Select Committee.

MR. T. K. VELU PILLAI: Sir, I propose that we adjourn for lunch now.

DEPUTY PRESIDENT: Yes. We now adjourn and meet again at three o'clock.

The Council rose for lunch at 2-28 P. M.

The Council re-assembled at 3-5 P. M.

DEPUTY PRESIDENT:

മിസ്റ്റർ പരമേശ്വരൻ, നിങ്ങൾക്ക് പറയാനുള്ളതു പറഞ്ഞുകഴിഞ്ഞുവോ.

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[MR. V. Subba Aiyar.]

MR. P. PARAMESVARAN: എന്റെ നിർദ്ദേശത്തിനെതിരായി പറഞ്ഞവാദങ്ങൾ ഒരിക്കലും വഹിക്കത്തക്കതല്ല.

ഈ ബില്ലിന് അമെൻഡുമെൻറുകൾ ഞാൻ എഴുതിക്കൊടുത്തതിനാലെ മിശ്രവഴിക്കാർ അയച്ചിട്ടുള്ള ഹർജികളിലാകട്ടെ വീണ്ടും സെലക്ട് കമ്മറ്റിയെ ഏല്പിക്കണമെന്നു പ്രാർത്ഥിച്ചിട്ടില്ല എന്നൊരു എതിർവ്വാദം കേട്ടു. അവർ ഹർജിയിൽ വെളിവാക്കിപ്പറഞ്ഞിട്ടില്ലെങ്കിലും ഈ ബിൽ അവരെ സംബന്ധിപ്പിക്കരുതെന്നും അവരുടെ സമുദായത്തിന് അതു ദോഷകരമാണെന്നും വിളിച്ചുപറഞ്ഞിട്ടുണ്ട്.

പുതിയ സെലക്ട് കമ്മറ്റിക്കയക്കണം എന്ന് ഈ സഭയിൽ അഭിപ്രായപ്പെടുന്നതിനുള്ള അവസരം ഇന്നത്തെ അവസരമാണ്. ചട്ടങ്ങളിൽ വൈദ്യവകുപ്പു സംബന്ധത്തിൽ ഇതു സ്പഷ്ടമാക്കിയിരിക്കുന്നു. ഈ അവസരത്തിലെ പരാമർശം എന്ന കാരണത്താണ് മുൻക്രട്ടി ഹർജിയിൽ ചേർക്കാത്തത്.

ഇന്നതന്നെ തള്ളിച്ചു തീർപ്പുപ്പെടുത്തിയേ തീരു എന്ന് എന്തിനാണു എതിർകക്ഷി നിർബന്ധിക്കുന്നു. ഇനിയും ഏതാനും മാസംകൂടി താമസിച്ചതുകൊണ്ട് അവർക്കു യാതൊരു ദോഷവും വരുവാനില്ല. നേരെ മറിച്ചു, ഞങ്ങൾക്കു വളരെ ഗുണവും സിദ്ധിക്കും. എന്തെന്നാൽ, എതിർകക്ഷികളായിവന്നിരിക്കുന്ന ഈഴവസഹോദരങ്ങൾ ഈ ബിൽ വിഷയമായി ചെയ്യപ്പെടുത്തികൾക്കു മിത്രം മിശ്രമായക്കാക്കു തട്ടിയിരിക്കുന്ന ദോഷത്തെ കൊല്ലം മുതൽ തെക്കോട്ടുള്ള ഫാക്ടറി തൊഴിലാളികൾ മെംബറന്മാരേയും അധികം വിശദമായിഅറിയിക്കുന്നതിന് ഒരവസരം ഞങ്ങൾക്കു ലഭിക്കേണ്ടതുതന്നെ എന്റെ സ്നേഹിതൻ ശ്രീമാൻ കെ. പി. രാമൻപിള്ള ഇവരുടെ ചില തെറ്റുകളെ മൂടിക്കാണിച്ചു. ഇതുപോലെ അനേകം തെറ്റുകൾ വെളിവാകാനുണ്ട്. അതിനവസരം തന്നേ തീരു.

MR. V. SUBBA AIYAR: Sir, I have been listening very carefully to the various observations made by Mr. Paramesvaran and those who supported him. They say that this Bill should be recommitted to a Select Committee of the members of this House. With reference to that motion, I have to make a few observations which, I have not the slightest doubt, will appeal to the House and convince every one of the members of the House that it is not desirable to delay the Bill any further. In the first place, I may say that the community had been agitating for a very long time before the Government took up the question, and it is practically seven or eight years since the Government took it up. The

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report of the Select Committee was ready for consideration by the late Council, but as it was not possible for that Council to pass it finally, it was left to be considered by this House. It was intended to take it up at the last meeting of this Council, *viz.*, the Vrischikam meeting; for, if a Government Bill introduced before any Council is not taken up for two sessions in the next Council, that Bill will lapse. Therefore, it was absolutely necessary that the Bill should be brought before the House in the Vrischikam session. But Mr. Paramesvaran made a representation saying that he should have some time before the Bill was taken up for consideration and that the consideration of the Bill should be deferred to the next meeting, *i. e.*, to this meeting. Out of deference to his wishes, the Bill has been deferred to this meeting, which is only an adjourned meeting of the same session. That is why the Bill has come up now. This is so far as the history of the Bill is concerned.

Let us now see whether by putting off the Bill, any body, even the mover of the proposition, has got anything to gain or anything to lose. If we are to be guided by petitions, Mr. Rangaswami Aiyangar pointedly raised the question whether these petitions reiterate the allegations made in the petitions that were submitted before the Select Committee or before the Government, or whether they contain any new matter which should be considered by a new committee. After hearing what Mr. K. P. Raman Pillai said in regard to the allegations contained in these petitions, I may assert, without any fear of contradiction, that every one of these allegations was placed before the Select Committee. I took the trouble of having all the matters contained in the petitions before the committee tabulated, typed and circulated to every member of the committee and some questions which were pointedly raised in the petitions have also been accepted by the Select Committee. There were some matters which we were not in a position to accept; and therefore, we did not accept them. I may say at once that these very matters which were not accepted have now been raised. All the petitions received were considered by the Select Committee.

MR. P. PARAMESVARAN: ആക്ഷേപങ്ങൾ ഇപ്പോൾ മാത്രമല്ല പുറപ്പെടുവിക്കുന്നത്. എല്ലാ കാലങ്ങളിലും മിശ്രഭായക്കാരായ ഞങ്ങൾ വഹ്നി ബോധിപ്പിച്ചിട്ടുണ്ട്. ലാക്കമ്മിറിയുടെ പ്രവൃത്തിയുടെ കഥ വിചാരണമദ്ധ്യത്തിലാണ് ഞങ്ങൾ അറിവാൻ ഇടയായത്. ലാക്കമ്മിറിയിലെ ആറു മെംബറന്മാരിൽ മൂന്നുപേർ മിശ്രഭായകുടുംബങ്ങളിൽ ജനിച്ചവരാണെന്നു വരികിലും അവർ മിശ്രഭായക്കാരുടെ ആചാരങ്ങളേയും നടപടികളേയും തീരെ മറച്ചു വയ്ക്കുകയും അവഗണിക്കയും ചെയ്തിരുന്നു എന്നുമാത്രമല്ല അവരുടെ അഭിപ്രായത്തിനു മാത്രം ബഹുമാനം വരുത്തുന്നായി വേണ്ടതെല്ലാം ചെയ്തു. ഈ വിവരം ഞങ്ങൾ അറിവാൻ ഇടയായതു കാലമുതൽ ലാക്കമ്മിറിയുടെ വിചാരണയിലുണ്ടായിരുന്ന കൈശലങ്ങളെ കാണിച്ചും, മിശ്രഭായക്കാർക്കനുകൂലങ്ങളായ ഭാവങ്ങളെ ചൂണ്ടിക്കാണിച്ചും

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[Mr. V. Subba Aiyar.]

ഞങ്ങൾ ഹാജർകൊടുത്തു. അങ്ങനെ ഹാജർകൊടുത്തവർ മൂവായിരത്തിൽചിലപാനം പേരുണ്ടെന്നു കമ്മിറ്റിയുടെ റിപ്പോർട്ടിൽ പറഞ്ഞിരിക്കുന്നു. ആ ഹാജർ വിലമതിക്കത്തക്കതല്ലെന്നു പറഞ്ഞു കമ്മിറ്റിക്കാർ ഉപേക്ഷിക്കയാണു ചെയ്തതു്.

ആതിൽപിന്നീടു സെലക്ററ് കമ്മിറ്റിയുടെ പതനാത്തിലും ഞങ്ങൾ ഹാജർബോധിപ്പിച്ചു. അങ്ങനെ ഒരു ഹാജർയെപ്പറ്റി സെലക്ററ് കമ്മിറ്റിക്കാർ ശ്രദ്ധിച്ചിരുന്നില്ലെന്നു ശ്രീമാൻ സി. രാമൻതമ്പി അവർകളുടെ മിനാട്ടിപ്രായനോട്ടിൽനിന്നു വെളിവാകുന്നു. അദ്ദേഹം ഇപ്രകാരം പറഞ്ഞിരിക്കുന്നു.

"എന്നാൽ സ്വാജ്ജിതം മുഴുവനും വിധവയ്ക്കും മക്കൾക്കും കൊടുക്കണമെന്നു നിർദ്ദേശിക്കുന്ന സ്ഥിതിക്കും ബിൽ പ്രസിദ്ധപ്പെടുത്തിയതിൻ ശേഷം ഈ വ്യവസ്ഥയെപ്പറ്റി ഈഴവസമുദായത്തിലെ യാതൊരു വിഭാഗവും ആക്ഷേപിച്ചിട്ടില്ലാത്ത സ്ഥിതിക്കും എന്റെ സ്വന്ത അഭിപ്രായത്തെ അടിസ്ഥാനപ്പെടുത്തിയ ഏതെങ്കിലും വ്യവസ്ഥ ആ സമുദായത്തിന്മേൽ ചുമത്തുന്നതു ന്യായമായിരിക്കയില്ലെന്നു ഞാൻ വിചാരിക്കുന്നു."

ഞങ്ങൾ മീറ്റിംഗ്ക്കുടി ആലോചിച്ചു് ഈ വ്യവസ്ഥയെ പ്രത്യേകമായി ആക്ഷേപിച്ച ഹാജർ ബോധിപ്പിച്ചിരുന്നതു സെലക്ററുകമ്മിറ്റിയിലെ മെംബർമാർ വായ്ക്കാനിടയായിരുന്നാൽ ശ്രീമാൻ സി. രാമൻതമ്പി അവർകൾ ഇപ്രകാരം പറഞ്ഞിരിക്കാൻ ഇടയുണ്ടോ?

എന്നാൽ സെലക്കറ്റ് കമ്മിറ്റിയുടെ റിപ്പോർട്ട് ഗസറ്റിൽ പ്രസിദ്ധപ്പെടുത്തിയ കാലത്തു ഞങ്ങളുടെ മേൽപറഞ്ഞ ഹാജർയെ ഈ വ്യാഖ്യാനമ്പർ ഹാജരായി മേത്തിരുന്നതായിട്ടു കാണുന്നു. അക്കാലത്തുപോലും ഞങ്ങൾ ഹാജർബോധിപ്പിച്ചിരുന്നുവെന്നും അതിനെ സെലക്ററ് കമ്മിറ്റി മറുവണ്ണം ഗണിച്ചിരുന്നില്ലെന്നും ഇതു തെളിയിക്കുന്നുണ്ടെന്നു ഞാൻ വിശ്വസിക്കുന്നു.

MR. V. SUBBA AIYAR: From the Select Committee's report itself, it will be found that these petitions were before them and that they were considered. I have got even now the office copies of what were typed and circulated among the members of the Committee. Dr. Kunjan Pillai who is here now knows it. The report itself says that these petitions were considered by the Committee. If you read those petitions which I am now prepared to lay before the House, you will

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find that the present petitions do not contain any new matters which were not touched upon by the Select Committee. Mr. Paramesvaran will admit that the resolutions of a meeting presided over by Mr. Sanku Vaidyan contained all the objections of the *Misravazhi* people and this is pointedly referred to in the Select Committee's report. Again the English extract sent by the Chirayinkil member contains these points. Above all, what is it that is now wanted? What is it that is sought to be obtained by the postponement of the Bill? The Bill proposes to regulate the customs and manners, intestate succession and other things with reference to the Ezhavas. They consist of *Marumakkathayees*, *Makkathayees* and *Misravazhi* Ezhavas, and I believe, to the north of Karunagapalli—say roughly, north of Quilon,—the majority are *Marumakkathayees*, not to speak of purely *Makkathayam* Ezhavas with whom we are not concerned for the present. South of Karunagapalli, there are those who follow the mixed system according to which a little over one-half of the self-acquired properties of an intestate goes to his wife and children and the remaining portions to the nephews. If we put off the consideration of the present Bill, the result will be that the community which has been agitating for a very long time-at any rate, so far as Government are concerned, it is now seven years and they have been agitating for twelve years before that—will not get the benefit of the Bill. The children of *Marumakkathayam* Ezhavas will get absolutely nothing out of the intestate father's estate under the existing law. They are to be left without any law whatsoever. Again, so far as the *Misravazhi* Ezhavas are concerned, we find that, in regard to the Bill itself, the first portion of it, *viz.*, that relating to marriage and its dissolution, maintenance and guardianship and the portion relating to *Tarwad* management, there is absolutely no difference between the *Misravazhi* and the *Marumakkathayam* Ezhavas. I said in my opening speech when I introduced the Bill that the law among the *Misravazhi* Ezhavas was that a marriage was binding contract with the parties until it was dissolved, that divorce could not be effected without due formalities, and that, if, during the continuance of a prior marriage, a person remarried, it was bigamy. The Sessions Court of Quilon held it to be so and the High Court confirmed that view. But in the civil suit subsequently brought for damages, the view held on the criminal side was doubted, though the case was decided on the admissions of the parties in the case. In another case, when the matter came to the High Court, it was said that an Ezhava lady was absolutely free at any time to divorce her husband without any formality. The circumstances in that case were that an Ezhava lady went to her father's house and that her sister's husband who was her paramour took her away at dead of night from that house. The first husband filed a complaint. Then, it was said by the High Court that the marriage was not subsisting because when the lady went with the other man she must be deemed to have divorced the former husband. Such is the state of things. The community naturally became aggrieved. They wanted that the marriage law should be settled once for all. Whether it

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[Mr. V. Subba Aiyar.]

was a *Misravazhi* or a *Marumakkathayam* Ezhava, an anxiety to have the marriage tie maintained sacred was felt. In that situation the community prayed for urgent legislation and it was impossible to put off the Bill any further. If we accept the present proposition, even in the case of *Misravazhi*, the Bill will have to be put off even in regard to the portions relating to marriage. The only point of difference between the two parties is in regard to intestate succession. When Mr. Govindan said that the committee were not guided purely by the question of majority, what he meant was that they were aiming not on majority but on unanimity. In other words, when the sense of the community was so strong that it could not be overlooked, the Committee gave effect to it. Although there was a difference of opinion as to the nature of partition-as to whether it should be individual partition or *thavazhee* partition, the Committee accepted *thavazhee* partition as being a safe one, and there is absolutely no difference of opinion now between the *Misravazhi* and the *Marumakkathayam* Ezhavas on that question.

DEPUTY PRESIDENT: I do not think that these details need be gone into now.

Mr. V. SUBBA AIYAR: Why I was referring to these details was to show that nothing will be gained by postponing the Bill. The next thing is as to how much the wife and children should get out of the intestate's estate—the whole or half of it. This is the bone of contention between the parties. Whether it should be one-half or three-fourths or the whole, it is for the House to judge. That being the case, the real point of difference between the parties is limited to one particular clause of the whole Bill, *viz.*, that relating to intestate succession. Except in regard to that, what is it that is going to be gained by referring the bill to a Select Committee? When the original bill was published, there was opposition. The Select Committee considered the objections. If necessary, this Council which consists of fifty members may go into a committee and consider the bill. So far as amendments are concerned, there are, I believe, about a hundred of them. No section has been omitted. Many of these amendments relate to the portions objected to by *Miravazhi* Ezhavas. Hence absolutely nothing will be gained by postponing the consideration of the bill. It has been said that we are seven years in advance and that we have made considerable progress. With reference to that, I may say that seven years of progress do not seem to take us far. We are asked to restore the existing state of things. In other words, the progress of social opinion and social development seems to be in the opposite direction. What we are asked to do is to go back upon the recommendations and leave the existing state of things as it is. There is absolutely no ground whatsoever to consider the question whether the bill should be referred to a Select Committee. All the matters in the bill are matters vital to the dignity and interest of the community. So far as four-fifths of the bill are concerned, there is no objection; as to the remaining one-fifth about which objections

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have been made, I do not see what the community is going to gain by putting off the bill. In order to clear a misapprehension, I may say that the Government are not at all interested as to whether the bill is passed or not. If it is the sense of the House that it should be put off, by all means do it.

MR. T. K. VELU PILLAI: I should like to know how the attitude of Government in regard to the bill is relevant here.

MR. V. SUBBA AIYAR: Because I did not want to be understood as pressing these arguments at the instance of Government with a view to see that the bill is somehow passed. I wanted to remove all misapprehension about the attitude of Government as regards this important measure. As I said, Government are not particu'ar in the matter. It is for the Council to decide it. I have not the slightest doubt that the House will exercise its sound judgment and that they will throw out Mr. Paramesvaran's proposal to recommit the Bill.

DEPUTY PRESIDENT: The question has been discussed at sufficient length and I do not propose to take up any more time of the Council over it. The question is whether the Bill should be taken into consideration at once or whether it should be recommitted.

Mr. Subba Aiyar's motion was put to the vote and carried.

23 voted *for* and 7 *against*.

MR. M. R. MADHAVA VARIAR: Sir, I had a motion that the Bill be recommitted for taking into account certain sub-clauses.

DEPUTY PRESIDENT: Yes, you had. Mr. Subba Aiyar's motion to take into consideration the report of the Select Committee and the Bill as revised by them has been carried. You have, I believe, proposed certain amendments and they are before the Council; and your interests will be substantially safeguarded by their being moved while discussing the clauses concerned. The Council will consider those amendments.

Now, in regard to the preamble and title of the Bill, they stand entirely on a different footing from the various clauses. According to the usage obtaining in the Legislative Assembly, these may be taken up and considered forthwith or after the other parts of the Bill are discussed. Supposing, on consideration of an amendment to a clause, it is found desirable to alter the wording of the preamble and title, that may be done, if they are considered after the other parts of the Bill. I shall make a motion to that effect.

The question is that the consideration of the title and preamble be postponed till other clauses are considered and disposed of by the Council.

The motion was put and carried.

The Council then proceeded to consider the amendments to the other clauses, clause by clause.

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[Mr. G. Parameswaran Pillai.]

Clause I.

MR. JOSEPH PANJIKARAN: Sir, some difficulty would be caused by taking up the amendments in the order in which they are arranged. Some amendments which come subsequently in regard to a particular clause go to the root of the previous amendments.

DEPUTY PRESIDENT: I appreciate your point. The amendments will be taken up in their logical order.

We are at clause I and your point has not arisen now.

MR. JOSEPH PANJIKARAN: It has not arisen with reference to clause I.

DEPUTY PRESIDENT: When the necessity arises, it will be considered.

MR. P. PARAMESVARAN: രണ്ടാംപാരാവിൽ രണ്ടാംവരിയിൽ "തിരുവിതാംകോട്ടുകാരായിതീർന്നിട്ടുള്ള" എന്നതിനു പകരം "തിരുവിതാംകോട്ടുകാരായി തീർന്നിട്ടുള്ളവരോ അല്ലാത്തവരോ ആയ" എന്നു ചേർക്കണം. ഈ ഭേദഗതിയുടെ ഉദ്ദേശം തിരുവിതാംകോട്ടുകാരിയല്ലാത്ത ഒരു ഈഴവസ്ത്രീയെ തിരുവിതാംകോട്ടുകാരനായ ഒരു ഈഴവൻ വിവാഹം ചെയ്യുമ്പോൾ അവളേയും ഇതുസംബന്ധിക്കുന്നതക്കവണ്ണം വ്യക്തപ്പെടുത്തി എഴുതണം എന്നുള്ളതാണ്.

MR. K. P. RAMAN PILLAI: I second the motion.

MR. V. SUBBA AIYAR: If the amendment that is suggested by Mr. Parameśvaran be accepted, the effect will be that the Regulation will apply to such Ezhavas, whether domiciled or not, as have marital relations with Ezhava females, whether domiciled or not. I do not know whether we have got to legislate for persons who are Cochin or Malabar Ezhavas, *i. e.*, when neither of the parties is a Travancorean. What the mover evidently wants is that, if either the male or the female is domiciled and the other party is not so domiciled, in such cases, the law in Travancore should apply. If so, the only way is to omit the word "females".

DEPUTY PRESIDENT: സ്ത്രീയായാലും പുരുഷനായാലും തിരുവിതാംകൂറിൽ സ്ഥിരതാമസമായിരുന്നാൽ ഈ ചട്ടം ബന്ധിക്കണമെന്നാണോ മിസ്റ്റർ പരമേശ്വരൻ പറയുന്നത്?

MR. P. PARAMESVARAN: അതെ.

DEPUTY PRESIDENT: Mr. Subba Aiyar, do you accept the amendment in the form in which it is proposed?

MR. V. SUBBA AIYAR: No. I do not think he himself wants it.

MR. G. PARAMESVARAN PILLAI: To avoid all technical difficulty, I shall move an amendment, if I am permitted by the President, to omit the word "females."

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DEPUTY PRESIDENT: I shall give you permission to move the amendment. In the meantime, does Mr. Parameswaran withdraw his amendment?

MR. P. PARAMESVARAN: അതെ.

DEPUTY PRESIDENT: I suppose that the House permits him to withdraw his motion.

The motion was by leave withdrawn.

MR. G. PARAMESVARAN PILLAI: I beg to move that the word "females" in line 5 be omitted and that the word "Ezhavas" be substituted for "Ezhava" in the same line.

MR. K. C. RÂJA RAJA VARMA: I second the motion.

MR. V. SUBBA AIYAR: I accept it.

DEPUTY PRESIDENT: The question is that the word "females" in line 5 be deleted and that the word "Ezhava" be changed into "Ezhavas" in the same line.

The motion was put and carried.

MR. V. SUBBA AIYAR: Then, there is another amendment standing in the name of the Rev. Fr. Vettikkappalli which runs as follows:

Add at the end of the clause "It shall also apply to such Ezhavas as become converted after the passing of this Regulation."

DEPUTY PRESIDENT: He is not here. That amendment goes.

The question is that clause 1 as amended stand part of the bill.

The motion was put to the vote and carried.

Clause 2.

DEPUTY PRESIDENT: Let us take Mr. Kumaran's amendment to delete the whole of sub-clause (2).

MR. N. KUMARAN: I do not move the amendment.

The following motion which was not moved was therefore deemed to have been withdrawn.

MR. N. KUMARAN:

Delete the whole of paragraph (2) omitting "(1)" in paragraph (1).

DEPUTY PRESIDENT: Then, let us take Mr. M. R. Madhava Variar's amendment to the clause.

MR. M. R. MADHAVA VARIAR: Sir, I beg to move that Clause 2 be deleted and the following be inserted in its place:

"The Government may extend the whole or any part of this Regulation to members of any community governed by the *Marumakkathayam* law and who are not Ezhavas, if the Government deem it desirable or expedient to do so."

There is a similar clause in the Nair Regulation which is going to be introduced and the same——

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[Mr. M. R. Madhava Variar.]

DEPUTY PRESIDENT: Better not anticipate and refer to something that is to come later on.

MR. M. R. MADHAVA VARIAR: The object of clause 2 is that the Ezhava Regulation may be extended to certain Ezhava converts. Even the Ezhava converts are not specifically mentioned, and if the Regulation can be extended to other communities who follow *Marumakkathayam* and who are not Ezhavas, then it may be applied to Ezhava converts also. But, a question may be raised whether Ezhava converts are Ezhavas or not, *i. e.*, those governed by the *Marumakkathayam* law and who are not Ezhavas. But, I think the term Ezhava does not connote Christian Ezhava, at least in ordinary parlance. When a census is taken I think the Ezhava converts are considered to be Christians and not Ezhavas and ordinarily an Ezhava convert is understood to be a Christian and not an Ezhava. So this may be applied to Ezhava converts. They are not Ezhavas. I do not think there will be any objection.

MR. M. GOVINDAN: But Clause (1) is omitted.

MR. M. R. MADHAVA VARIAR: Of course, I omit that.

DEPUTY PRESIDENT: Then you say you omit the whole of clause 2.

MR. M. R. MADHAVA VARIAR: That is it.

DEPUTY PRESIDENT: What about *Makkathayam* in sub-clause (1)?

MR. M. R. MADHAVA VARIAR: I do not want it.

DEPUTY PRESIDENT: As I understand it, you want clause 2 to be omitted and your amendment to be inserted in its place so that Government might be empowered to extend the scope of this Regulation to—

MR. M. R. MADHAVA VARIAR: To members of community following *Marumakkathayam* who are not Ezhavas.

DEPUTY PRESIDENT: That might extend to Nairs.

MR. M. R. MADHAVA VARIAR: If they deem it expedient.

DEPUTY PRESIDENT: I rule the amendment out of order as it is not relevant to, and beyond the scope of, the bill now before the Council. The bill is for regulating marriage, succession, family management and partition among the Ezhavas.

MR. M. R. MADHAVA VARIAR: The title comes in only towards the close.

DEPUTY PRESIDENT: Yes, but I am just suggesting that the amendment is not relevant to the bill and it is beyond the scope of the bill.

MR. M. R. MADHAVA VARIAR: It is not confined to Ezhavas alone. Ezhava converts are also included within the scope of the bill.

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DEPUTY PRESIDENT: Then, you say you want it to be extended to those who are not under any circumstances Ezhavas.

MR. M. R. MADHAVA VARIAR: By Ezhavas, I mean, Hindu Ezhavas and not Christian or Mahommedan Ezhavas. When a man becomes a Christian, he is considered to be a Christian and not an Ezhava.

MR. T. K. VELU PILLAI: I have got a very serious difficulty with regard to this. Sub-clause (1) says, "who having become converts before the passing of the Regulation." To my mind—

DEPUTY PRESIDENT: We are not at that, Mr. Velu Pillai.

MR. T. K. VELU PILLAI: To my mind, it conveys no inference. Converts to what? It is not suited to good sense and intelligence.

DEPUTY PRESIDENT: We will discuss that if the whole clause is to go. We need not worry about it now. Mr. Kumaran gave notice of an amendment to delete it, but he did not press it. Mr. Variar has given notice of it and I am just considering whether it is relevant or whether it is not beyond the scope of the bill.

MR. T. K. VELU PILLAI: Unless we know what the word convert means, it will be very difficult to interpret the clause.

DEPUTY PRESIDENT: I appreciate your difficulty. Converts to what? When we consider that clause, we will consider that difficulty. In the meantime, can you justify, Mr. Variar, that your amendment is relevant to, and within the scope of the bill? It purports to be intended mainly for regulating certain relations among the Ezhavas. You now propose to take power for the Government to extend the bill to people who are not Ezhavas.

MR. M. R. MADHAVA VARIAR: This Regulation itself provides that Government can extend this Regulation to those who are not Ezhavas.

DEPUTY PRESIDENT: Converts from that particular community.

MR. M. R. MADHAVA VARIAR: It can be applied to others who are not converts; but they may not be Ezhavas.

DEPUTY PRESIDENT: I rule the amendment out of order.

MR. JOSEPH PANJIKARAN: Sir, I beg to move that the words "before the passing of this Regulation" be deleted after "converts".

As it stands at present, Clause 2 would apply to those who have become converts before the passing of the Regulation. I do not see any reason why it should be restricted to those who have become converts before the passing of this Regulation and why that restriction should not be removed and the clause allowed to stand as follows:—

"Who having become converts, continue to follow *Marumakkathayam* as modified by usage (commonly called the mixed system)".

So, I move that "before the passing of the Regulation" be deleted.

MR. A. HOOGEWERF: Sir, I second it.

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[Deputy President.]

MR. V. SUBBA AIYAR: Sir, I will explain what the object of the clause is, and how unnecessary Mr. Panjikaran's proposed amendment is. There is a certain class of converts to Christianity living in Neyyattinkara and other places. They wanted to be included within the scope of the Bill. They were originally Ezhavas and they became converts. They are following the same *Marumakkathayam* system as the Ezhavas themselves. They wanted to be included in the Christian Succession Regulation, but they were omitted because they were *Marumakkathayees*. The Ezhava Committee also omitted to include them because they ceased to be Ezhavas. The Select Committee thought that it was rather unnecessary to go into an academical discussion as to whether after conversion a person who was an Ezhava continued to be an Ezhava or ceased to be such. No doubt, Christianity does not recognise caste. Whatever that may be, it was not considered necessary to go into the question whether he ceased or continued to be an Ezhava. Therefore, an enabling provision was put in to satisfy the sentiments of these people. Strictly speaking, they should not be called Ezhavas. What Mr. Panjikaran says is that, if you want to save an Ezhava who became a convert before the passing of the Regulation, why not extend it to those who became converts after the passing of the Regulation? The answer, I submit, is very simple. The moment the Regulation is passed, all *Marumakkathayam* Ezhavas are governed by this Regulation. The fact that he subsequently becomes a convert to Christianity will not change the line of succession or the mode of inheritance that he has been following all along, unless it be that, along with the change of religion, he proposes to change his personal law also. The Neyyattinkara Christians have not changed and hence the necessity. Unless the new converts change the personal law by which they were governed, they having become subject to the provisions of this Bill, the subsequent conversion will not affect them and they will continue to be governed by this law. But, if we accept the amendment, it will prevent the person who becomes a Christian from changing his personal law.

In other words, instead of allowing him to decide whether he should be governed by the law that he had all along been governed by, or whether he should change the personal law and be governed by the Indian Christian Succession Act or the Christian Succession Regulation in Travancore, you bind him down to follow this Bill. Such a state of things is not considered to be necessary. He will be governed by the existing Regulation. He does not need any special protection. Hence it was that the provision was not put in by the Select committee.

MR. JOSEPH PANJIKARAN: Sir, I withdraw the motion.

DEPUTY PRESIDENT: Does the House permit him to withdraw the motion?

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MR. J. JOHN NIDIRY: I oppose. I am not quite satisfied with the explanation offered by the Law Member.

DEPUTY PRESIDENT: You can move your amendment.

MR. J. JOHN NIDIRY: My point is that, if an Ezhava who was following *Misravazhi* becomes a Christian after the passing of this Regulation, to my mind, if Mr. Panjikaran's amendment is not allowed, the clause as it stands will work against his liberty to change his religious faith. Is not the existing clause a clogg to his wishes?

MR. V. SUBBA AIYAR: No.

MR. J. JOHN NIDIRY: What I want is that, in such matters, liberty must be given to an individual to follow his own conviction.

DEPUTY PRESIDENT: That is your amendment?

MR. J. JOHN NIDIRY: Yes. Further, as has been submitted already by my friend Mr. Panjikaran, invidious distinction made in the Bill regarding the rights of converts before the passing of the Regulation and after, seems to be a step not in keeping with the progressive ideas of the times, and the traditional policy of the State, as it is also against the sentiments of the community as exhibited by the very existence of the *Marumakkathayam* system among the Christians in Neyyattinkara and the Mahommadans in certain other parts of the State. We find that some of the Ezhava converts still adhere and cling tenaciously to the old *Marumakkathayam* system of inheritance. In view of the fact that the State has been tolerating the same, a sudden change of policy by the introduction of a piece of legislation like the present one against their very wishes may be considered to be a step not in keeping with the progressive ideas of the State. Further, I understand that there is a school of men, including some of the leaders of the Ezhava community, who think that they were originally Budhists by religion, and some leaders now seriously think of going back to that religion. Such being the case, my submission is that religious restrictions should not be imposed on a community like the Ezhavas. That being the case——

DEPUTY PRESIDENT: This is an attempt to get rid of the disability and not to impose a disability.

MR. J. JOHN NIDIRY: Then it is all right. I move that the existing sub-clause (2) be deleted and that the following be substituted "who have become converts to any non-Hindu religion."

MR. M. K. KHADIR PILLAI: I beg to second it.

MR. V. SUBBA AIYAR: Sir, I find it rather difficult to follow the line of reasoning of Mr. Nidiry on this point, because I believe he will remember, as he was in the Select Committee, that this enabling provision was put in at the earnest request of all Christian religious heads in the State, the Roman Catholic Bishop of Quilon, the Bishop of Kottayam, and others. They represented that the Neyyattinkara Christians and others who were originally Ezhavas were really under a disability in as much as there was no law to govern their inestate succession. They were *Marumakkathayam* Ezhavas. The Christian

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[Deputy President.]

Succession Regulation omitted them because they were *Marumakkathayam* Ezhavas. The Ezhava Committee omitted them because they ceased to be Ezhavas when they became Christians. It is exceedingly hard upon them to ignore them altogether in every measure which is enacted in the State. That was the strong appeal that was made. Out of deference to the representations made by the religious heads, we induced the Ezhava members of the Select Committee to accept the amendment. It is contended by the Ezhavas that, once a man becomes a convert, he ceases to be an Ezhava. Without going into the academic question as to whether a man, after conversion, continues or not to be an Ezhava, it was decided to have the enabling provision. If the Government are so inclined, they may apply the provisions of this Regulation to such persons. The enabling provision is put in at the request of the Christians concerned and at the insistent demand made by their religious heads. Therefore, I do not know what exactly my friend wants, because there is absolutely nothing whatsoever to prevent one from following one's own persuasion and having a personal law.

MR. J. JOHN NIDIRY: Sir, my point is after the passing of the Regulation——

MR. V. SUBBA AIYAR: I believe it was discussed and I also explained it sufficiently. Unless a person wants to get out of the law along with his religion the law will not get out of him.

DEPUTY PRESIDENT: Do you press your amendment, Mr. Nidiry?

MR. J. JOHN NIDIRY: Even on that point too, my amendment is much better.

DEPUTY PRESIDENT: I merely wanted to know whether you pressed your amendment. The question is before the House.

MR. P. K. NARAYANA PILLAI: Sir, I accept part I of Mr. Nidiry's amendment.

DEPUTY PRESIDENT: I do not follow you, Mr. Narayana Pillai.

MR. P. K. NARAYANA PILLAI: He proposed two amendments. I accept part I of the amendment, *viz.*, to delete sub-clause (2). But I do not accept the latter portion.

DEPUTY PRESIDENT: That question was distinctly raised at the instance of Mr. Kumaran. There is no such amendment. You can speak on Mr. Nidiry's amendment.

MR. P. K. NARAYANA PILLAI: That comprises two amendments. I accept one.

RAO BAHADUR K. V. RANGASWAMY AIYANGAR: Sir, are we discussing the amendment or the main proposition?

DEPUTY PRESIDENT: We are now discussing the amendment of Mr. Nidiry to sub-clause (2), clause 2. Can you not accept that part, *viz.*, "converts to non-Hindu religion", Mr. Subba Aiyar?

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MR. V. SUBBA AIYAR: That, of course, I will accept as a distinct proposition.

DEPUTY PRESIDENT: Mr. Nidiry's amendment is to delete the existing sub-clause (2) and substitute the words "who have become converts to any non-Hindu religion."

The amendment was put to the vote and lost.

Mr. Panjikaran's motion was, by leave, withdrawn.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: I wish to submit to the vote of the House the desirability of omitting the whole of the sub-clause.

DEPUTY PRESIDENT: At present, I am dealing with the amendment. I will hear you when I put the clause to the vote of the Council, as amended.

MR. V. SUBBA AIYAR: I move that, between the words "converts" and "before", the words "to a non-Hindu religion" be inserted.

MR. N. RAMAKRISHNA PILLAI: I support the amendment.

DEPUTY PRESIDENT: Does the House agree to that?

MR. T. K. VELU PILLAI: Mr. K. V. Rangaswamy Aiyangar put the motion that the whole clause be omitted.

DEPUTY PRESIDENT: He is at liberty to oppose it. I shall give him a chance when the clause, as amended, is put to the vote.

MR. V. SUBBA AIYAR: I move the word "*Misravazhi*" be substituted for "mixed system".

The motion was carried.

MR. K. PARAMESVARAN PILLAI: Sir, let me suggest a further amendment. I would suggest "who having renounced Hinduism before the passing of this Regulation" for the words "converts to a non-Hindu religion." We have this expression in other statutes also. I think that the expression is in the Nair Regulation. Why not we use the words "having renounced Hinduism before the passing of this Regulation."?

DEPUTY PRESIDENT: "and become converts".

MR. K. PARAMESVARAN PILLAI: That is not necessary. There may be atheists.

DEPUTY PRESIDENT: I suppose that will be an improvement.

MR. P. K. NARAYANA PILLAI: Cases may arise where a person who was originally an Ezhava first of all accepts Mahomedanism and then becomes a convert to Christianity. Would it cover cases of such men if we use the expression "after having renounced Hinduism"?

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[Mr. P. Paramesvaran.]

MR. K. P. RAMAN PILLAI: Even with reference to Mahomedanism, it would apply.

Mr. K. Paramesvaran Pillai's amendment was put and carried.

DEPUTY PRESIDENT: So, with reference to sub-clause (2), the changes that we have made are "who having renounced Hinduism before the passing of this Regulation continue to follow *Marumakkathayam* as modified by usage, (commonly called *Misravazhi*)."

The question that sub-clause (2), as amended, form part of the Bill, was put to the vote. None voted against it and it was carried.

MR. P. PARAMESVARAN : ഈ വകുപ്പിൽ സെലക്ട് കമ്മറ്റിക്കാർ പറഞ്ഞിരിക്കുന്ന ഗൗരവപ്പെട്ട ന്യായങ്ങളെ ഞാൻ അഭിനന്ദിക്കയും പൂർണ്ണമായി സമ്മതിക്കുകയും ചെയ്യുന്നുണ്ട്. എന്നു വരികിലും ഒരു പ്രത്യേക സംഗതി ഈബില്ലിൽ വ്യക്തമായി പറയേണ്ടിയിരിക്കുന്നതുകൊണ്ടു മാത്രമായിട്ടാകുന്നു ഈ ഭേദഗതിക്കു ഞാൻ അഭിപ്രായപ്പെടുന്നത്.

ആദ്യത്തെ ലാക്കമ്മിറ്റിക്കാരും പിന്നീടുണ്ടായ സെലക്ട് കമ്മിറ്റിയും വെളിവാക്കിയിരിക്കുന്ന അഭിപ്രായങ്ങളും എന്റെ ഭേദഗതിക്കനുകൂലമായുള്ളവ തന്നെ. മതംമാറിപ്പോയ ഈഴവരും അവരുടെ പൂർവ്വകുടുംബത്തിലെ അംഗങ്ങളായ ഹിന്ദുക്കളും തമ്മിൽ പല പ്രകാരത്തിലുള്ള ഒറ്റുവ്യവഹാരങ്ങളുണ്ടാകാതെ തടുക്കുക എന്നുള്ള ഒരു വലിയഗുണം ഉദ്ദിഷ്ടഭേദഗതി വരുത്തൽ സിദ്ധിക്കും. ഇതിനെപ്പറ്റി എന്റെ സമുദായത്തിലുള്ളവർ ഇപ്രകാരം അഭിപ്രായപ്പെട്ടിരിക്കുന്നു.

മതം മാറിപ്പോയാൽ ഈഴവൻ എന്ന സ്ഥാനം ഇല്ലാതാകുന്നു. സെലക്ട് കമ്മിറ്റിക്കാർ പുതുതായിചേർത്തിരിക്കുന്ന ഈ ഖണ്ഡം കേവലം ഗവർമെൻറിനധികാരം കൊടുക്കുന്നതായ ഒന്നായിരുന്നാലും മതം മാറിയവരേയും ഈ നിയമം സംബന്ധിക്കുന്നതുകൊണ്ടു തറവാട്ടിനു വലുതായ ആപത്തു നേരിട്ടും. ബില്ലിൽ ഇവരേക്കൂടി ഉൾപ്പെടുത്തണം എന്നുള്ളവാദം തന്നെയും ജനിച്ചിരിക്കുന്നത് ഇവർക്കു പൂർവ്വകുടുംബത്തിലെ സ്വത്തിനും മറ്റും അവകാശം സിദ്ധിക്കാനുള്ള ആദ്യത്തെപ്പടിയായിട്ടാണ്. ഈ നിയമത്തിൽ ഇവരേയും ഉൾപ്പെടുത്തിയേ തീരൂ എന്നുവിചാരിക്കുന്ന പക്ഷം അങ്ങനെ ചെയ്യുന്നതിൽ യാതൊരു വിരോധവും ഞങ്ങൾക്കില്ല. എന്നാൽ ഹിന്ദുക്കളായ ഞങ്ങളുടെ രക്ഷയ്ക്കു മറ്റൊരു വകുപ്പ് അല്ലെങ്കിൽ വിവരണംകൂടി ഇതിന്റെ തുടച്ചയായിച്ചേർക്കേണ്ടതാകുന്നു. അതാവിതു്.

"ഈ റെഗുലേഷൻ നടപ്പാക്കുന്നതിനു മുമ്പിൽ അതുകൂടെ പിന്നീടാ

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കട്ടേ മതംമാറീട്ടുള്ളവക്ക് അവരുടെ പൂർവ്വകുഡുംബത്തിൽ ഉള്ള സ്വത്തി ന്മേലാകട്ടേ പൂർവ്വകുഡുംബത്തിലെ അംഗങ്ങളുടെ സ്വത്തിന്മേലാകട്ടേ, ദേ ഹത്തിന്മേലാകട്ടേ യാതൊരു വിധമായ അവകാശവും ഇല്ലാത്തതാകുന്നു" എന്ന പുതിയ വകുപ്പുകൂടി ചേർക്കണം.

ഇങ്ങനെ ഒരു പുതിയവകുപ്പു ചേർക്കുന്നതുനിമിത്തം മതംമാറിയ ഈഴവർക്കു ഗുണമല്ലാതെ യാതൊരു ദോഷവും വരാനില്ല. ക്രിസ്ത്യാനികളായ ഈഴവർക്കു ഞങ്ങൾ ദോഷംചെയ്യുന്നു എന്നു ക്രിസ്ത്യാനികളായ ഈ മഹാസഭയിലെ എന്റെ മാന്യസഹോദരന്മാർ ധരിച്ചുപോകരുതു്. ഒരു ഹിന്ദു ക്രിസ്തുമതത്തിലോ ഇസ്ലാംമതത്തിലോ മറു മതത്തിലോ ചേരുമ്പോൾ അയാൾക്കു പൂർവ്വഹിന്ദുകുഡുംബത്തിലെ സ്വത്തിനവകാശമില്ലെന്നു നമ്മുടെ പൊന്നുതമ്പുരാന്റെ ഈ നാട്ടിലെ ആചാരത്താലും നടപ്പിനാലും കോർട്ടുവിധികളാലും വ്യക്തമായിട്ടുണ്ടു്. എന്നു വരികിലും, ഏതോ കാരണത്താൽ തറവാട്ടിലുള്ളവരെ പെരുത്തും ഹിന്ദുമതത്തെ ഉപേക്ഷിച്ചും മതാന്തരത്തിലേക്കു പോയിട്ടുള്ള ഒരുവൻ മുൻതറവാട്ടുവകയായ ക്ഷേത്രങ്ങളും, ധർമ്മസ്ഥാപനങ്ങളും മതസ്ഥാപനങ്ങളും മുതലായവയ്ക്കു നാശം വരുത്തുവിധം യാതൊന്നും പ്രവർത്തിക്കാൻ ഇടയാക്കിക്കൂടാ. ഒരു പിടാകയിലെ പൊതുവായ ഒരു വലിയ ക്ഷേത്രത്തിന്റെ ഊരാണ്മക്കാരായി നാലഞ്ചു് ഈഴവ കുടുംബങ്ങളും ഉണ്ടെന്നിരിക്കട്ടെ. അവരിൽ ഒരു കുഡുംബത്തിലുള്ള ഒരാൾ ക്രിസ്തുമതത്തിലും മറ്റൊരു കുടുംബത്തിലെ ഒരാൾ ബ്രഹ്മസമാജത്തിലും ചേർന്നുപോയി എന്നിരിക്കട്ടെ. ഇവർക്കു മേല്പറഞ്ഞ ഹിന്ദുക്ഷേത്രത്തിലെ ഊരാണ്മസ്ഥാനത്തിനു് അധികാരം ലഭിച്ചേക്കാം എന്നു വരാവുന്നതായ എതുയോ ദൂരസ്ഥമായ ഊഹത്തിനുപോലും ഇടവരുത്തിക്കൂടാ. നിയമം അത്ര ഖണ്ഡിതമായിരിക്കേണ്ടതാണു്. പ്രജകളിൽ ഓരോ സമുദായത്തിന്റെയും അശക്തതകളെ മറുന്നതിനു വേണ്ട സഹായം ഗവർൺമെൻറു ചെയ്യേണ്ടതുതന്നെ. ക്രിസ്ത്യാനികളായ ഈഴവർക്കു് ഈ ബില്ലിനെ സംബന്ധിപ്പിക്കുന്നതായ സഹായംചെയ്യുന്നതുപോലെതന്നെ ഹിന്ദുക്കളായ ഞങ്ങൾക്കു് അവരിൽനിന്നു വല്ല ഉപദ്രവവും തട്ടിയേക്കുമോ എന്നുള്ള ആശങ്കകൂടി ജനിക്കാതിരിക്കത്തക്കവണ്ണം ഞങ്ങളെ സഹായിക്കുന്നതിനു് ഈ മഹാസഭയിലെ പണ്ഡിതരായ ഓരോ സഭ്യരും ഗവർൺമെൻറും കടമപ്പെട്ടിരിക്കുന്നു. അതിലേക്കായി ഈ ഭേദഗതിയെ അനുവദിക്കേണ്ടതാകുന്നു.

ഉദ്ദിഷ്ടമായവിവരണം ക്രിസ്ത്യാനികളായ ഈ സഭയിലെ എന്റെ മാന്യസഹോദരന്മാർ നിഷ്പക്ഷപാതമായി അനുവദിക്കും എന്നു് എനിക്കു വിശ്വാസമുണ്ടു്.

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[Mr. V. Subba Aiyar.]

എന്റെ മാന്യസ്നേഹിതൻമിസ്റ്റർനിധിയരി സെലക്ററ് കമ്മിററിയുടെ റിപ്പോർട്ടിൽ ചേത്തിട്ടുള്ള ഭിന്നാഭിപ്രായത്തിൽ ഞങ്ങളുടെ ആചാരത്തെക്കുറിച്ചു ചിലതെല്ലാം പ്രസ്താപിച്ചിരിക്കുന്നു. മതം മാറിപ്പോയതിന്റെ ശേഷവും അങ്ങിനെയുള്ള ഇഴ്യവരുമായി ഞങ്ങൾ പരസ്പരവിവാഹാദികൾ നടത്തിവരുന്നു എന്നു പ്രസ്താവിച്ചിരിക്കുന്നതു തെറ്റാണ്.

MR. M. N. PILLAI: I second it.

MR. V. SUBBA AIYAR: Sir, I beg to oppose the amendment. I very much sympathise with my friend Mr. Paramesvaran. It may be desirable that a person who becomes a convert to any religion other than Hinduism should not have anything to do with *Tarwad* property. He may be right. But the question is whether we can pass such an amendment in this House. The reason is this. Of course, so far as religion is concerned, everybody is at liberty to profess any religion he likes. That ought not, according to some, to stand in the way of his getting any share in the property which he would otherwise be entitled to. In other words, they contend that the disability now existing by change of religion should be removed. But, so far as Mr. Paramesvaran is concerned, he may safely rest satisfied with the ruling on the point now in force in Travancore. If the conversion to any other religion is considered by the community concerned to be degrading, and if, by such conversion, he loses his caste, the conversion may affect his right to *Tarwad* property. In other cases, conversion may not affect the right to property, so that, if the custom among the Ezhavas is the former one, that custom will not be interfered with. But, anyhow, to say now that when one becomes a Christian he loses his rights to the property on account of the fact that he has changed his religion will, I am sure, be treading upon rather dangerous ground and undesirable controversy may arise as to the rights of a person to profess the religion that he chooses. I will, therefore, appeal to my friend to be content with the existing law and withdraw the amendment. The ruling that I referred to is in 22 T. L. R. It may not be desirable to go into the controversy, because, even in that ruling, the High Court Judges have expressed the opinion that it would be desirable to frame a Regulation to remove the disabilities of Christians consequent upon conversion. That being the trend of the controversy, it will be rather dangerous to go into this amendment and rake up the old controversy again.

MR. A. HOOGEWERF: Sir, I do not quite understand the Law Member. I want to know whether the High Court judgment is against or in favour of converts.

DEPUTY PRESIDENT: He has tried to make himself as clear as possible.

MR. A. HOOGEWERF: I want to know whether the High Court judgment is against.

MR. V. SUBBA AIYAR: It is this. I will be specific. If a Brahmin or a Nair becomes a convert to Christianity or Mahomedanism, it is definitely ruled that he forfeits his rights to the family

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property, because it entails a forfeiture of caste. In the case of an Ezhava, it has not been expressly decided. But the principle that ought to guide a court is laid down there, *i. e.*, if the change of religion entails forfeiture of caste according to custom, then he forfeits his right to the property. In other cases he does not forfeit his right to the property.

MR. A. HOOGEWERF: If it is *Shanars* ?

DEPUTY PRESIDENT: It is a hypothetical question and cannot be answered. We are not now concerned with that question. He only gave the information as to what the High Court said in a particular case. You may accept or reject it. Does anybody else desire to speak ?

MR. P. K. NARAYANA PILLAI: Sir, may I know what the amendment is ?

DEPUTY PRESIDENT: The amendment is No. 5 in the list.

MR. M. GOVINDAN: Sir, I rise to oppose the amendment. Thirty-four years ago, Justice Mr. Ariyanayagom Pillai remarked in a case and made a recommendation to the Government that the disability of the forfeiture of the rights of converts to their family properties must cease and an enactment on the lines of Act XXI of 1850 in British India should be enacted here also. That recommendation remained there and was not attended to for 17 years till, in the 22 T. L. R. case, which my friend quoted, Justice Mr. Hunt had again to make a similar recommendation pointing out that 17 years ago the same thing had been done without any effect. It is now another 17 years since the 22 T. L. R. case was decided. The harmony is peculiarly interesting. All these 34 years, we have not been able to place on the Statute Book an enactment which would give individual liberty of faith. If we have not attained that, let us not, at any rate, give legislative sanction at this time of the day for a contrary measure providing a statutory forfeiture. Moreover, we are not at the question of restricting the rights of Christians and it will be most unfortunate if the House adopts Mr. Paramesvaran's amendment which is against the progressive notions and tendencies of the age. I would therefore strongly oppose the motion.

MR. A. HOOGEWERF: I also strongly oppose the motion.

DEPUTY PRESIDENT: ഈ ബിൽ ഇപ്പോഴത്തെ നടപ്പിനെ മാറുന്നില്ലെന്നാണ് മിസ്റ്റർ ഗോവിന്ദൻ പറയുന്നത്.

MR. P. PARAMESVARAN: മിസ്റ്റർ സുബ്ബയ്യർ പറയുന്നപ്രകാരമാണ് ചട്ടം എന്നുവരികിൽ ഞാൻ കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതി പിൻവലിച്ചുകൊള്ളുന്നു.

DEPUTY PRESIDENT: പിൻവലിക്കേണ്ടതു നിങ്ങളുടെ സ്വന്ത ഉത്തരവാദത്തിന്മേലാണ്. മിസ്റ്റർ സുബ്ബയ്യർ പറയുന്നപ്രകാരമാണ് ചട്ടമെങ്കിൽ ഞാൻ പിൻവലിച്ചുകൊള്ളാമെന്നു പറയാൻ നിങ്ങൾക്കു അനുവാദമില്ല.

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[Mr. Joseph Panjikaran.]

The question is whether his amendment should be allowed.

MR. P. PARAMESVARAN: പിൻവലിച്ചുകൊള്ളാം.

MR. M. GOVINDAN: He does not want the amendment. He wants to withdraw it evidently.

DEPUTY PRESIDENT: Why? He can also vote against his own motion. (*Laughter.*)

MR. JOSEPH PANJIKARAN: When a motion is withdrawn, is it proper that the question should be put to the vote?

DEPUTY PRESIDENT: As a rule of constitutional procedure, when one amendment has been actually placed by me before the Council, it is doubtful whether it is open to the mover to withdraw it.

MR. T. K. VELU PILLAI: If the Council permits him, can he not withdraw?

DEPUTY PRESIDENT: It is the same thing as permitting him to withdraw.

MR. T. K. VELU PILLAI: May I request you to take the sense of the Council, as to whether he can be permitted to withdraw?

DEPUTY PRESIDENT: I have put the question to the vote of the House. Those who are in favour of the amendment may raise their hands.

MR. T. K. VELU PILLAI: With the greatest respect to the Chair, I must protest against that course of action. The sense of the Council has to be ascertained whether the amendment should be put to the vote when the mover has deliberately withdrawn it; there is therefore no motion before the House.

MR. G. PARAMESVARAN PILLAI: May I know whether the question was put before Mr. Paramesvaran withdrew?

DEPUTY PRESIDENT: Yes, the clause is already before the Council. It is doubtful whether a motion with reference to an amendment to a Statute once placed before the House can be withdrawn by the member.

The amendment was put to the vote and lost.

MR. JOSEPH PANJIKARAN: Sir, I beg to move

"But nothing herein contained shall be deemed to enable Government to extend to Ezhava converts any provisions in the Bill relating to marriage and its dissolution."

be added at the end of Clause 2. The reason for the amendment is this. The expression "any portion of the Regulation" certainly means every portion of the Regulation. So it will be in the power of Government to extend such provisions of the Regulation also as relate to marriage and dissolution to converts, whether they be converts to Mahomedanism or Christianity. So far as Christians

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are concerned, there is a marriage law which is part and parcel of their religion. Among Roman Catholics divorce is not allowed at all. So far as I know, there is no Christian community in Travancore among whom divorce of any kind is allowed at all. As such, to put in the power of Government to extend to Christian converts the provisions relating to mariage and its dissolution will be arming Government with a power that will enable Government to strike at the very root of Christianity. And I think it is very objectionable. So I think that it should not be in the power of Government to extend those provisions of the Bill that relate to marriage and its dissolution to Christian converts.

MR. J. JOHN NIDIRY: Sir, I second it.

MR. T. K. VELU PILLAI: Sir, I also support it for the reasons given by Mr. Panjikaran and for other additional reasons. I want the section to be dropped. (*Laughter.*)

MR. K. DOMINIC TOMMAN: Sir, I support the motion.

MR. V SUBBA AIYAR: Sir, I think there is some force in what Mr. Panjikaran says. But the amendment, I believe, requires a little modification. So, I will propose a modification if he will accept it.

MR. JOSEPH PANJIKARAN: I have no objection.

MR. V. SUBBA AIYAR: Instead of Mr. Panjikaran's proposed amendment, I shall have the following:—

"Nothing herein contained shall be deemed to enable Government to extend to Ezhava converts to Christianity provisions of Part II of this Regulation relating to marriage and its dissolution."

MR. JOSEPH PANJIKARAN: I am not standing up for Christians alone.

DEPUTY PRESIDENT: Why not converts?

MR. P. K. NARAYANA PILLAI: The word "converts" has to be explained.

MR. JOSEPH PANJIKARAN: "Converts to any other religion" may be put in.

MR. M. GOVINDAN: There are some Brahmos in Travancore.

MR. K. P. RAMAN PILLAI: I wish to know whether the Ezhava converts in the Neyyattinkara taluk follow the *Sambandham* form of marriage or the Christian form of marriage.

MR. JOSEPH PANJIKARAN: Certainly, the Christian form of marriage. I do not think there is any objection to put in the expression "to any other religion".

MR. M. GOVINDAN: "Any other religion" is too broad. There are Brahmos. If we say converts, it will be enough. There are Brahmos among Ezhavas who have no other law.

MR. V. SUBBA AIYAR: Converts to what?

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[Mr. N. Kumaran.]

MR. JOSEPH PANJIKARAN: From one religion to another.

MR. S. PARAMESVARA AIYAR: "Ezhava converts" would do.

MR. V. SUBBA AIYAR: If it is sufficiently comprehensive, I have no objection.

MR. G. PARAMESVARAN PILLAI: I wish to put one question. What may happen in the case of one of the parties to the marriage being an Ezhava convert and the other being not a convert,- say, a Hindu Ezhava?

DEPUTY PRESIDENT: Such a marriage is not contemplated.

MR. JOSEPH PANJIKARAN: After a man becomes a Christian, such a marriage would not be allowed. So far as Christians are concerned, it is not a matter of contract. As such, we should not, by legislation, interfere with their marriage and other laws.

MR. P. K. NARAYANA PILLAI: First of all, I object to the form of the amendment proposed. That form is not quite acceptable. Under this Regulation, Government have been given certain definite powers. In giving these powers, it is better to make mention of the exception. Say, except in the matter of marriage of Ezhava converts.

DEPUTY PRESIDENT: What is the form that you suggest?

MR. P. K. NARAYANA PILLAI: "Except the law of marriage in the case of Ezhava converts". Instead of making a separate clause, you will have to tack it on to sub-clause (2).

Suppose the marriage takes place before the conversion?

DEPUTY PRESIDENT: Here, it contemplates their becoming converts before the passing of the Regulation.

MR. P. K. NARAYANA PILLAI: Suppose the marriage and conversion take place at the same time.

DEPUTY PRESIDENT: Mr. Panjikaran is naturally anxious that the procedure laid down in the matter of divorce should not be extended to the Ezhava Christian community, because, while in the case of Hindu Ezhavas, marriage is a civil contract, in the case of Ezhava Christians, it is a sacrament. You seem to recognise the soundness of the position, but you want the provision to be tacked on to the sub-clause instead of having a separate clause.

MR. V. SUBBA AIYAR: The sentence of the clause will then get more involved. The other is the ordinary way in which an exception is put in.

MR. N. KUMARAN: Sir, I oppose the motion. In the first place, there is no necessity for this caution. It is not likely that the Government would extend any portion of this Regulation to communities

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which do not require it. They will not certainly extend to Christians a provision like the one regarding marriage which would, on no account, be acceptable to them. Government take this power under the Regulation for the purpose of removing the grievances of certain communities. When they require the extension of this Regulation in their favour Government will not go out of their way and try to extend some other portion of the Regulation which is not required by a particular community.

Secondly, there is another reason why this amendment is unnecessary. Mr. K. P. Raman Pillai, a little while ago, asked Mr. Panjikaran a question as to the form of marriage of these Neyyattinkara Christians, and I am afraid, he gave a wrong answer.

I find, from Mr. Nidiry's dissenting minutes attached to the Select Committee's Report, that, in the case of those Christians in Neyyattinkara, for whose benefit my Christian friends are very anxious to have this provision in the bill, are not following the form of marriage just mentioned by my friend Mr. Panjikaran. He said that, if one of the contracting parties to a marriage is a Christian, the marriage is solemnised according to the Christian form. No evidence was taken by the Ezhava Committee with respect to their customs, form of marriage, etc. But from the extract from the Christian Committee's Report, given by Mr. Nidiry in his dissenting minute, we find that, if both the parties are not Christians, the form of marriage is not according to Christian rites, but it is only a *Sambandham*. In respect of *Sambandham* marriages, there must be the freedom for divorce. Nor can it be considered a sacrament according to my friend Mr. Panjikaran. I shall read that portion of the dissenting minute. "Hindu Ezhavas and Christian Ezhavas freely intermarry. The marriage is, however, solemnised in the church only if both the parties are Christians. In other cases, there is only the usual Sambandham." This is exactly what, in his dissenting minute, Mr. Nidiry says with respect to the form of marriage which the so-called Christian community of Neyyattinkara follow. I therefore submit that there is absolutely no necessity for this caution. If the practice is as is given in the extract, there should be some provision for divorce for one of the parties who is not Christian, so that the right to effect a divorce must be clearly recognised. But this amendment, if accepted, will take away that freedom which he now enjoys. I am, therefore, of opinion that this amendment is not necessary.

MR. P. K. NARAYANA PILLAI: I support Mr. Kumaran.

MR. J. JOHN NIDIRY: I would request my friend to read the next sentence. If both parties are Christians, divorce is not permitted.

MR. K. P. RAMAN PILLAI: Sir, we began with a wrong information *re.* marriage among the Christian Ezhavas of Neyyattinkara. I find from the extract quoted by Mr. Nidiry that the *Sambandham* form of marriage is also usual among the Neyyattinkara

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[Mr. N. Kumaran.]

Christians. Sometimes, marriages take place in the church, in which case divorce is not permitted. If the marriage takes place in the *Sambhandham* form, divorce is permitted. With regard to this, the Christian Committee's report remarks that there is marriage between Hindu Ezhavas and Christian Ezhavas. They retain all the social customs observed by their unconverted castemen. Hindu Ezhavas and Christian Ezhavas freely intermarry. That being so, I think it will be hard on the section of the community which now enjoys divorce, if they should be bound down by this Christian morality, however admirable it may be in itself, because we are legislating behind their back without reckoning their wishes. I take it that no evidence has been taken by the Ezhava Committee in regard to the practice obtaining among the Ezhava Christians. I also take it that the Government would extend the provisions of this bill to such of them, only on their application. It would be hard if this bill were applied to them in its entirety. We do not allow the Government power to extend the bill *in toto*. I, therefore, think that it will be contrary to the practice and unnecessarily restricting the liberty of Christian converts by effecting this change.

MR. A. HOOGEWERF: Suppose, I, an Ezhava marry an Ezhava woman. My wife becomes a Christian. Or, I, a Christian, marry an Ezhava woman. I should like to know if she forfeits her right.

DEPUTY PRESIDENT: We are not dealing with rights of inheritance. We are dealing with the extenion of the provisions relating to marriage and divorce alone. We are empowering Government to extend the provisions of the bill to Ezhava converts. In doing so, Mr. Panjikaran is anxious that the provisions relating to marriage by *Sanbandham* or divorce should not apply to Christians. You evidently want to support Mr. Panjikaran.

MR. A. HOOGEWERF: Yes.

MR. N. RAMAKRISHNA PILLAI: I support Mr. Kumaran.

DEPUTY PRESIDENT: There is no proposition by Mr. Kumaran. There is only a proposition by Mr. Panjikaran.

MR. V. SUBBA AIYAR: He was not present then.

MR. N. RAMAKRISHNA PILLAI: I also oppose Mr. Panjikaran. I would also suggest another amendment. I shall have the whole or any part.

MR. JOSEPH PANJIKARAN: Mr. Kumaran says that Government will not extend the provisions. My point is that it should not be in the power of Government to extend the provisions even if a section of the community wants them. Not that Government are going to extend them to-morrow. So far as Christians are concerned, it is a question of high principle.

MR. N. KUMARAN: Is it likely that Christians would ask for the extension of the operation of this portion?

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DEPUTY PRESIDENT: Not necessarily. What he says is that it should not be in the power of the Government to extend the provisions relating to marriage to Ezhava Christians. The next thing is about the case when one of the parties is a non-Christian.

MR. JOSEPH PANJIKARAN: My amendment relates to Ezhava converts, not to cases where one of the parties is an Ezhava.

DEPUTY PRESIDENT: A marriage contemplates the coming together of two parties.

MR. JOSEPH PANJIKARAN: Yes. According to the Christian religion, there is the mariage, there is the sacrament, only when both the parties are Christians, and not when one is a Christian and the other a Hindu. In that case, there is no sacrament or marriage. The amendment does not relate to such cases, but only to cases where both are Christians.

MR V. SUBBA AIYAR: Why not make it plainer by adding to the definition?

MR. T. K. VELU PILLAI: Is the whole clause being put to the vote?

DEPUTY PRESIDENT: This particular provision suggested by Mr. Panjikaran.

MR. N. KUMARAN: I would suggest that the term "Ezhava converts" be changed.

DEPUTY PRESIDENT: There is scope for improving the language of the provision.

We shall now adjourn to meet again to-morrow at 11-30 A. M.

Now, gentlemen, I have a word before you leave. You will have to elect four members of the Council to the University Committee. The election will be held on Friday evening.

The Council adjourned at 5 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

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